

SCHOOL DISTRICT AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

House Sponsor: Susan Pulsipher

LONG TITLE

General Description:

This bill amends and creates certain processes and requirements regarding school district creation.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends and creates certain processes and requirements regarding school district creation;
- ▶ requires a feasibility study before a school district creation;
- ▶ requires a local school board to publish a feasibility study online and for public comment;
- ▶ prohibits school employees and school board members from using public resources for certain purposes;
- ▶ allows for use of a special election to elect certain school board members;
- ▶ allows for a legislative body to:
 - resolve a disagreement regarding allocation of assets; and
 - assist a new school district in securing funds for startup costs;
- ▶ increases the distribution amount of funds allowed for a new school district; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

- 33 **36-12-15**, as last amended by Laws of Utah 2023, Chapter 21
- 34 **53G-3-102**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 35 **53G-3-202**, as last amended by Laws of Utah 2023, Chapter 252
- 36 **53G-3-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 37 **53G-3-301**, as last amended by Laws of Utah 2023, Chapter 116
- 38 **53G-3-302**, as last amended by Laws of Utah 2019, Chapter 293
- 39 **53G-3-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 40 **53G-3-304**, as last amended by Laws of Utah 2023, Chapter 7
- 41 **53G-3-305**, as last amended by Laws of Utah 2022, Chapter 265
- 42 **53G-3-306**, as last amended by Laws of Utah 2019, Chapter 293
- 43 **53G-3-307**, as last amended by Laws of Utah 2019, Chapter 293
- 44 **53G-3-308**, as last amended by Laws of Utah 2019, Chapter 293
- 45 **53G-4-402**, as last amended by Laws of Utah 2023, Chapters 16, 252, 343, 352, and

46 435

47 ENACTS:

- 48 **53G-3-301.1**, Utah Code Annotated 1953
- 49 **53G-3-301.2**, Utah Code Annotated 1953
- 50 **53G-3-301.3**, Utah Code Annotated 1953
- 51 **53G-3-301.4**, Utah Code Annotated 1953



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

54 Section 1. Section **36-12-15** is amended to read:

55 **36-12-15. Office of the Legislative Auditor General established -- Qualifications --**
56 **Powers, functions, and duties -- Reporting -- Criminal penalty -- Employment.**

57 (1) As used in this section:

58 (a) "Entity" means:

59 (i) a government organization; or

60 (ii) a receiving organization.

61 (b) "Government organization" means:

62 (i) a state branch, department, or agency; or

63 (ii) a political subdivision, including a county, municipality, special district, special
64 service district, school district, interlocal entity as defined in Section 11-13-103, or any other
65 local government unit.

66 (c) "Receiving organization" means an organization that receives public funds that is
67 not a government organization.

68 (2) There is created the Office of the Legislative Auditor General as a permanent staff
69 office for the Legislature.

70 (3) The legislative auditor general shall be a licensed certified public accountant or
71 certified internal auditor with at least seven years of experience in the auditing or public
72 accounting profession, or the equivalent, prior to appointment.

73 (4) The legislative auditor general shall appoint and develop a professional staff within
74 budget limitations.

75 (5) The Office of the Legislative Auditor General shall exercise the constitutional
76 authority provided in Utah Constitution, Article VI, Section 33.

77 (6) Under the direction of the legislative auditor general, the Office of the Legislative
78 Auditor General shall:

79 (a) conduct comprehensive and special purpose audits, examinations, investigations, or
80 reviews of entity funds, functions, and accounts;

81 (b) prepare and submit a written report on each audit, examination, investigation, or
82 review to the Audit Subcommittee created in Section 36-12-8 and make the report available to
83 all members of the Legislature within 75 days after the audit, examination, investigation, or
84 review is completed;

85 (c) monitor, conduct a risk assessment of, or audit any efficiency evaluations that the
86 legislative auditor general determines necessary, in accordance with Title 63J, Chapter 1, Part
87 9, Government Performance Reporting and Efficiency Process, and legislative rule;

88 (d) create, manage, and report to the Audit Subcommittee a list of high risk programs
89 and operations that:

- 90 (i) threaten public funds or programs;
- 91 (ii) are vulnerable to inefficiency, waste, fraud, abuse, or mismanagement; or
- 92 (iii) require transformation;
- 93 (e) monitor and report to the Audit Subcommittee the health of a government
- 94 organization's internal audit functions;
- 95 (f) make recommendations to increase the independence and value added of internal
- 96 audit functions throughout the state;
- 97 (g) implement a process to track, monitor, and report whether the subject of an audit
- 98 has implemented recommendations made in the audit report;
- 99 (h) establish, train, and maintain individuals within the office to conduct investigations
- 100 and represent themselves as lawful investigators on behalf of the office;
- 101 (i) establish policies, procedures, methods, and standards of audit work and
- 102 investigations for the office and staff;
- 103 (j) prepare and submit each audit and investigative report independent of any influence
- 104 external of the office, including the content of the report, the conclusions reached in the report,
- 105 and the manner of disclosing the legislative auditor general's findings;
- 106 (k) prepare and submit the annual budget request for the office; and
- 107 (l) perform other duties as prescribed by the Legislature.
- 108 (7) In conducting an audit, examination, investigation, or review of an entity, the
- 109 Office of the Legislative Auditor General may include a determination of any or all of the
- 110 following:
 - 111 (a) the honesty and integrity of any of the entity's fiscal affairs;
 - 112 (b) the accuracy and reliability of the entity's internal control systems and specific
 - 113 financial statements and reports;
 - 114 (c) whether or not the entity's financial controls are adequate and effective to properly
 - 115 record and safeguard the entity's acquisition, custody, use, and accounting of public funds;
 - 116 (d) whether the entity's administrators have complied with legislative intent;
 - 117 (e) whether the entity's operations have been conducted in an efficient, effective, and
 - 118 cost efficient manner;
 - 119 (f) whether the entity's programs have been effective in accomplishing intended
 - 120 objectives; and

121 (g) whether the entity's management control and information systems are adequate and
122 effective.

123 (8) (a) If requested by the Office of the Legislative Auditor General, each entity that the
124 legislative auditor general is authorized to audit under Utah Constitution, Article VI,
125 Section 33, or this section shall, notwithstanding any other provision of law except as provided
126 in Subsection (8)(b), provide the office with access to information, materials, or resources the
127 office determines are necessary to conduct an audit, examination, investigation, or review,
128 including:

129 (i) the following in the possession or custody of the entity in the format identified by
130 the office:

131 (A) a record, document, and report; and

132 (B) films, tapes, recordings, and electronically stored information;

133 (ii) entity personnel; and

134 (iii) each official or unofficial recording of formal or informal meetings or
135 conversations to which the entity has access.

136 (b) To the extent compliance would violate federal law, the requirements of Subsection
137 (8)(a) do not apply.

138 (9) (a) In carrying out the duties provided for in this section and under Utah
139 Constitution, Article VI, Section 33, the legislative auditor general may issue a subpoena to
140 access information, materials, or resources in accordance with Chapter 14, Legislative
141 Subpoena Powers.

142 (b) The legislative auditor general may issue a subpoena, as described in Subsection
143 (9)(a), to a financial institution or any other entity to obtain information as part of an
144 investigation of fraud, waste, or abuse, including any suspected malfeasance, misfeasance, or
145 nonfeasance involving public funds.

146 (10) To preserve the professional integrity and independence of the office:

147 (a) no legislator or public official may urge the appointment of any person to the office;
148 and

149 (b) the legislative auditor general may not be appointed to serve on any board,
150 authority, commission, or other agency of the state during the legislative auditor general's term
151 as legislative auditor general.

152 (11) (a) The following records in the custody or control of the legislative auditor
153 general are protected records under Title 63G, Chapter 2, Government Records Access and
154 Management Act:

155 (i) records and audit work papers that would disclose information relating to
156 allegations of personal misconduct, gross mismanagement, or illegal activity of a past or
157 present governmental employee if the information or allegation cannot be corroborated by the
158 legislative auditor general through other documents or evidence, and the records relating to the
159 allegation are not relied upon by the legislative auditor general in preparing a final audit report;

160 (ii) records and audit workpapers that would disclose the identity of a person who,
161 during the course of a legislative audit, communicated the existence of:

162 (A) unethical behavior;

163 (B) waste of public funds, property, or personnel; or

164 (C) a violation or suspected violation of a United States, Utah state, or political
165 subdivision law, rule, ordinance, or regulation, if the person disclosed on the condition that the
166 identity of the person be protected;

167 (iii) before an audit is completed and the final audit report is released, records or drafts
168 circulated to a person who is not an employee or head of an entity for review, response, or
169 information;

170 (iv) records that would disclose:

171 (A) an outline;

172 (B) all or part of an audit survey, audit risk assessment plan, or audit program; or

173 (C) other procedural documents necessary to fulfill the duties of the office; and

174 (v) requests for audits, if disclosure would risk circumvention of an audit.

175 (b) The provisions of Subsection (11)(a) do not prohibit the disclosure of records or
176 information to a government prosecutor or peace officer if those records or information relate
177 to a violation of the law by an entity or entity employee.

178 (c) A record, as defined in Section 63G-2-103, created by the Office of the Legislative
179 Auditor General in a closed meeting held in accordance with Section 52-4-205:

180 (i) is a protected record, as defined in Section 63G-2-103;

181 (ii) to the extent the record contains information:

182 (A) described in Section 63G-2-302, is a private record; or

183 (B) described in Section 63G-2-304, is a controlled record; and

184 (iii) may not be reclassified by the office.

185 (d) The provisions of this section do not limit the authority otherwise given to the
186 legislative auditor general to maintain the private, controlled, or protected record status of a
187 shared record in the legislative auditor general's possession or classify a document as public,
188 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and
189 Management Act.

190 (12) The legislative auditor general shall:

191 (a) be available to the Legislature and to the Legislature's committees for consultation
192 on matters relevant to areas of the legislative auditor general's professional competence;

193 (b) conduct special audits as requested by the Audit Subcommittee;

194 (c) report immediately to the Audit Subcommittee any apparent violation of penal
195 statutes disclosed by the audit of an entity and furnish to the Audit Subcommittee all
196 information relative to the apparent violation;

197 (d) report immediately to the Audit Subcommittee any apparent instances of
198 malfeasance or nonfeasance by an entity officer or employee disclosed by the audit of an entity;
199 and

200 (e) make any recommendations to the Audit Subcommittee with respect to the
201 alteration or improvement of the accounting system used by an entity.

202 (13) If the legislative auditor general conducts an audit of an entity that has previously
203 been audited and finds that the entity has not implemented a recommendation made by the
204 legislative auditor general in a previous audit, the legislative auditor general shall, upon release
205 of the audit:

206 (a) report immediately to the Audit Subcommittee that the entity has not implemented
207 that recommendation; and

208 (b) shall report, as soon as possible, that the entity has not implemented that
209 recommendation to an appropriate legislative committee designated by the Audit
210 Subcommittee.

211 (14) Before each annual general session, the legislative auditor general shall:

212 (a) prepare an annual report that:

213 (i) summarizes the audits, examinations, investigations, and reviews conducted by the

214 office since the last annual report; and

215 (ii) evaluate and report the degree to which an entity that has been the subject of an
216 audit has implemented the audit recommendations;

217 (b) include in the report any items and recommendations that the legislative auditor
218 general believes the Legislature should consider in the annual general session; and

219 (c) deliver the report to the Legislature and to the appropriate committees of the
220 Legislature.

221 (15) (a) If the chief officer of an entity has actual knowledge or reasonable cause to
222 believe that there is misappropriation of the entity's public funds or assets, or another entity
223 officer has actual knowledge or reasonable cause to believe that the chief officer is
224 misappropriating the entity's public funds or assets, the chief officer or, alternatively, the other
225 entity officer, shall immediately notify, in writing:

226 (i) the Office of the Legislative Auditor General;

227 (ii) the attorney general, county attorney, or district attorney; and

228 (iii) (A) for a state government organization, the chief executive officer;

229 (B) for a political subdivision government organization, the legislative body or
230 governing board; or

231 (C) for a receiving organization, the governing board or chief executive officer unless
232 the chief executive officer is believed to be misappropriating the funds or assets, in which case
233 the next highest officer of the receiving organization.

234 (b) As described in Subsection (15)(a), the entity chief officer or, if applicable, another
235 entity officer, is subject to the protections of Title 67, Chapter 21, Utah Protection of Public
236 Employees Act.

237 (c) If the Office of the Legislative Auditor General receives a notification under
238 Subsection (15)(a) or other information of misappropriation of public funds or assets of an
239 entity, the office shall inform the Audit Subcommittee.

240 (d) The attorney general, county attorney, or district attorney shall notify, in writing,
241 the Office of the Legislative Auditor General whether the attorney general, county attorney, or
242 district attorney pursued criminal or civil sanctions in the matter.

243 (16) (a) An actor commits interference with a legislative audit if the actor uses force,
244 violence, intimidation, or engages in any other unlawful act with a purpose to interfere with:

245 (i) a legislative audit, examination, investigation, or review of an entity conducted by
 246 the Office of the Legislative Auditor General; or

247 (ii) the Office of the Legislative Auditor General's decisions relating to:

248 (A) the content of the office's report;

249 (B) the conclusions reached in the office's report; or

250 (C) the manner of disclosing the results and findings of the office.

251 (b) A violation of Subsection (16)(a) is a class B misdemeanor.

252 (17) (a) Beginning July 1, 2020, the Office of the Legislative Auditor General may
 253 require any current employee, or any applicant for employment, to submit to a
 254 fingerprint-based local, regional, and criminal history background check as an ongoing
 255 condition of employment.

256 (b) An employee or applicant for employment shall provide a completed fingerprint
 257 card to the office upon request.

258 (c) The Office of the Legislative Auditor General shall require that an individual
 259 required to submit to a background check under this Subsection (17) also provide a signed
 260 waiver on a form provided by the office that meets the requirements of Subsection
 261 [53-10-108\(4\)](#).

262 (d) For a noncriminal justice background search and registration in accordance with
 263 Subsection [53-10-108\(13\)](#), the office shall submit to the Bureau of Criminal Identification:

264 (i) the employee's or applicant's personal identifying information and fingerprints for a
 265 criminal history search of applicable local, regional, and national databases; and

266 (ii) a request for all information received as a result of the local, regional, and
 267 nationwide background check.

268 (18) The Office of the Legislative Auditor General shall conduct a feasibility study
 269 under Section [53G-3-301.1](#), [53G-3-301.2](#), [53G-3-301.3](#), or [53G-3-301.4](#) upon the request of
 270 the appropriate legislative body in accordance with Subsection (6)(a).

271 Section 2. Section **53G-3-102** is amended to read:

272 **53G-3-102. Definitions.**

273 As used in this chapter:

274 (1) "Allocation date" means:

275 (a) June 20 of the second calendar year after the [~~local school board general election~~

276 ~~date described in Subsection 53G-3-302(3)(a)(i)] voters approve the creation of a new school~~
 277 ~~district under Section 53G-3-301.1, 53G-3-301.2, 53G-3-301.3, or 53G-3-301.4; or~~

278 (b) another date ~~[that the transition teams under]~~ upon which the local school boards
 279 mutually agree as described in Section 53G-3-302 ~~[mutually agree to].~~

280 ~~[(2) "Canvass date" means the date of the canvass of an election under Subsection~~
 281 ~~53G-3-301(5) at which voters approve the creation of a new school district under Section~~
 282 ~~53G-3-302.]~~

283 ~~[(3) "Consolidation" means the merger of two or more school districts into a single~~
 284 ~~administrative unit.]~~

285 ~~[(4) (2) "Creation [election] date" means the date [of the election under Subsection~~
 286 ~~53G-3-301(9) at which voters approve the creation of a new school district under [Section~~
 287 ~~53G-3-302] Section 53G-3-301.1, 53G-3-301.2, 53G-3-301.3, or 53G-3-301.4.~~

288 ~~[(5) (3) "Divided school district[;]" ["existing district," or "existing school district"]~~
 289 ~~means [a]:~~

290 (a) an existing school district from which a new district is created[-] under Section
 291 53G-3-301.1, 53G-3-301.2, 53G-3-301.3, or 53G-3-301.4; and

292 (b) an existing school district from which a reorganized new school district is created.

293 (4) "Feasibility study" means a study conducted by a school district before May 1,
 294 2024, or by the Office of the Legislative Auditor General, to determine:

295 (a) the financial viability for a new school district and reorganized new school district
 296 that is contained within the boundaries of a divided school district;

297 (b) the financial impact on a new school district and reorganized new school district
 298 that is contained within the boundaries of a divided school district; and

299 (c) the impact of the tax burden on taxpayers within the boundaries of the proposed
 300 new school district.

301 (5) "Interlocal agreement participant" means a public agency, as that term is defined in
 302 Section 11-13-103, that enters into an agreement with one or more other public agencies for the
 303 purpose described in and in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.

304 (6) "Municipality" means the same as that term is defined in Section 10-1-104.

305 ~~[(6) (7) "New [district" or "new] school district" means a school district created under~~
 306 ~~[Section 53G-3-301 or 53G-3-302] Section 53G-3-301.1, 53G-3-301.2, 53G-3-301.3, or~~

307 [53G-3-301.4](#)

308 [~~(7)~~ "Remaining district" or "remaining school district"].

309 (8) "Reorganized new school district" means [~~an existing~~] the remaining portion of the
 310 divided school district after the creation of a new school district under Section [53G-3-301.1](#),
 311 [53G-3-301.2](#), [53G-3-301.3](#), or [53G-3-301.4](#).

312 [~~(8)~~ "Restructuring" means the transfer of territory from one school district to another
 313 school district.]

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

315 **53G-3-202. School districts independent of municipal and county governments --**
 316 **School district name -- Control of property.**

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

319 (b) The name of each school district created after May 1, 2000[;]:

320 (i) shall comply with [~~Subsection [17-50-103\(2\)\(a\)](#)~~] Section [17-50-103](#); and

321 (ii) may not use the name of a divided school district.

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

326 (3) (a) On or before 30 days after the day on which the creation of a new school district
 327 occurs under Section [53G-3-301.1](#), [53G-3-301.2](#), [53G-3-301.3](#), or [53G-3-301.4](#), and in
 328 accordance with Section [67-1a-15](#), a new school district shall be registered as a limited purpose
 329 entity by:

330 (i) the municipal legislative body in which the boundaries for the new school district is
 331 entirely located; or

332 (ii) the legislative body of interlocal agreement participants in which the new school
 333 district is located.

334 [~~(a)~~] (b) Each school district shall register and maintain the school district's registration
 335 as a limited purpose entity[;] in accordance with Section [67-1a-15](#).

336 [~~(b)~~] (c) A school district that fails to comply with [~~Subsection~~] Subsections (3)(a) and
 337 (b) or Section [67-1a-15](#) is subject to enforcement by the state auditor[;] in accordance with

338 Section 67-3-1.

339 Section 4. Section 53G-3-203 is amended to read:

340 **53G-3-203. Filing of notice and plat relating to school district boundary changes**
341 **including creation, consolidation, division, or dissolution -- Recording requirements --**
342 **Effective date.**

343 (1) The county legislative body shall~~[(a)]~~, within 30 days after the day on which the
344 creation, consolidation, division, or dissolution of a school district occurs, file with the
345 lieutenant governor:

346 ~~[(i)]~~ (a) a copy of a notice of an impending boundary action, as defined in Section
347 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

348 ~~[(ii)]~~ (b) except in the case of a dissolution, a copy of an approved final local entity
349 plat, as defined in Section 67-1a-6.5~~[-and]~~.

350 ~~[(b)]~~ (2) The county legislative body, upon the lieutenant governor's issuance of a
351 certificate of boundary action under Section 67-1a-6.5, shall:

352 ~~[(i)]~~ (a) if the school district is or, in the case of dissolution, was located within the
353 boundary of a single county, submit to the recorder of that county:

354 ~~[(A)]~~ (i) the original:

355 ~~[(F)]~~ (A) notice of an impending boundary action;

356 ~~[(H)]~~ (B) certificate of boundary action; and

357 ~~[(HH)]~~ (C) except in the case of dissolution, approved final local entity plat; and

358 ~~[(B)]~~ (ii) if applicable, a certified copy of the resolution approving the boundary action;

359 or

360 ~~[(ii)]~~ (b) if the school district is or, in the case of a dissolution, was located within the
361 boundaries of more than a single county:

362 ~~[(A)]~~ (i) submit to the recorder of one of those counties:

363 ~~[(F)]~~ (A) the original of the documents listed in Subsections ~~[(1)(b)(i)(A)(F), (H), and~~

364 ~~[(H)]~~ (2)(a)(i); and

365 ~~[(H)]~~ (B) if applicable, a certified copy of the resolution approving the boundary action;

366 and

367 ~~[(B)]~~ (ii) submit to the recorder of each other county:

368 ~~[(F)]~~ (A) a certified copy of the documents listed in Subsections ~~[(1)(b)(i)(A)(F), (H),~~

369 and ~~(H)~~ (2)(a)(i); and

370 ~~(H)~~ (B) if applicable, a certified copy of the resolution approving the boundary action.

371 ~~(2)~~ (3) (a) Upon the lieutenant governor's issuance of the certificate under Section

372 [67-1a-6.5](#), the creation, consolidation, division, dissolution, or other change affecting the

373 boundary of a new or ~~existing~~ reorganized new school district that was the subject of the

374 action has legal effect.

375 (b) (i) As used in this Subsection ~~(2)(b)~~ (3)(b), "affected area" means:

376 (A) in the case of the creation of a school district, the area within the school district's

377 boundary;

378 (B) in the case of the consolidation of multiple school districts, the area within the

379 boundary of each school district that is consolidated into another school district;

380 (C) in the case of the division of a school district, the area within the boundary of the

381 school district created by the division; and

382 (D) in the case of an addition to an existing school district, the area added to the school

383 district.

384 (ii) ~~The~~ For purposes of assessing property within the school district, the effective

385 date of a boundary action, as that term is defined in Section [17-23-20](#), [for purposes of

386 assessing property within the school district] is governed by Section [59-2-305.5](#).

387 (iii) ~~[Until the documents listed in Subsection (1)(b) are recorded in the office of the~~

388 ~~recorder of each county in which the property is located, a] A school district may not levy or~~

389 collect a property tax on property within the affected area until the county legislative body

390 records the documents listed in Subsection (2) in the office of the recorder of each county in

391 which the property is located.

392 Section 5. Section **53G-3-301** is amended to read:

393 **53G-3-301. Creation of new school district -- Requirements -- Prohibitions.**

394 (1) A new school district may be created from one or more existing school districts, as

395 provided in this ~~section;~~ chapter.

396 (2) The process to create a new school district may be initiated:

397 (a) through a citizens' initiative petition, in accordance with Section [53G-3-301.1](#);

398 (b) at the request of the local school board of the ~~existing~~ divided district or districts

399 to be affected by the creation of the new district~~;~~ or], in accordance with Section [53G-3-301.2](#);

400 (c) at the request of a [city] municipality within the boundaries of the school district; or

401 (d) at the request of interlocal agreement participants, [~~pursuant to Section 53G-3-302~~]

402 with a population of at least 35,000, as determined by the lieutenant governor using the

403 processes described in Subsection 67-1a-2(3), and in accordance with Section 53G-3-301.3 or

404 53G-3-301.4.

405 [~~(3)(a) An initiative petition submitted under Subsection (2)(a) shall be signed by~~

406 ~~registered voters residing within the geographical boundaries of the proposed new school~~

407 ~~district in an amount equal to at least 15% of all votes cast within the geographic boundaries of~~

408 ~~the proposed new school district for all candidates for president of the United States at the last~~

409 ~~regular general election at which a president of the United States was elected.]~~

410 [~~(b) Each request or petition submitted under Subsection (2) shall:~~

411 [~~(i) be filed with the clerk of each county in which any part of the proposed new school~~

412 ~~district is located;]~~

413 [~~(ii) indicate the typed or printed name and current residence address of each governing~~

414 ~~board member making a request, or registered voter signing a petition, as the case may be;]~~

415 [~~(iii) describe the proposed new school district boundaries; and]~~

416 [~~(iv) designate up to five signers of the petition or request as sponsors, one of whom~~

417 ~~shall be designated as the contact sponsor, with the mailing address and telephone number of~~

418 ~~each.]~~

419 [~~(c) The process described in Subsection (2)(a) may only be initiated once during any~~

420 ~~four-year period.]~~

421 [~~(d) A new district may not be formed under Subsection (2) if the student population of~~

422 ~~the proposed new district is less than 3,000 or the existing district's student population would~~

423 ~~be less than 3,000 because of the creation of the new school district.]~~

424 [~~(4)(a)(i) A signer of a petition described in Subsection (2)(a) may withdraw or, once~~

425 ~~withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing~~

426 ~~a written statement requesting for withdrawal or reinstatement with the county clerk no later~~

427 ~~than three business days after the day on which the petition is filed with the county clerk.]~~

428 [~~(ii) A statement described in Subsection (4)(a)(i) shall comply with the requirements~~

429 ~~described in Subsection 20A-1-1003(2).]~~

430 [~~(iii) The county clerk shall use the procedures described in Subsection 20A-1-1003(3)~~

431 to determine whether to remove or reinstate an individual's signature from a petition after
432 receiving a timely, valid statement.]

433 ~~[(b) For a petition described in Subsection (2)(a), the county clerk shall use the~~
434 ~~procedures described in Section 20A-1-1002 to determine whether the petition has been signed~~
435 ~~by the required number of registered voters residing within the geographical boundaries of the~~
436 ~~proposed new school district.]~~

437 ~~[(5) Within 45 days after the day on which a petition described in Subsection (2)(a) is~~
438 ~~filed, or five business days after the day on which a request described in Subsection (2)(b) or~~
439 ~~(c) is filed, the clerk of each county with which the request or petition is filed shall:]~~

440 ~~[(a) determine whether the request or petition complies with Subsections (2) and (3), as~~
441 ~~applicable; and]~~

442 ~~[(b) (i) if the county clerk determines that the request or petition complies with the~~
443 ~~applicable requirements:]~~

444 ~~[(A) certify the request or petition and deliver the certified request or petition to the~~
445 ~~county legislative body; and]~~

446 ~~[(B) mail or deliver written notification of the certification to the contact sponsor; or]~~

447 ~~[(ii) if the county clerk determines that the request or petition fails to comply with any~~
448 ~~of the applicable requirements, reject the request or petition and notify the contact sponsor in~~
449 ~~writing of the rejection and reasons for the rejection.]~~

450 ~~[(6) (a) If the county clerk fails to certify or reject a request or petition within the time~~
451 ~~specified in Subsection (5), the request or petition is considered to be certified.]~~

452 ~~[(b) (i) If the county clerk rejects a request or petition, the person that submitted the~~
453 ~~request or petition may amend the request or petition to correct the deficiencies for which the~~
454 ~~request or petition was rejected, and refile the request or petition.]~~

455 ~~[(ii) Subsection (3)(c) does not apply to a request or petition that is amended and~~
456 ~~refiled after having been rejected by a county clerk.]~~

457 ~~[(c) If, on or before December 1, a county legislative body receives a request from a~~
458 ~~local school board under Subsection (2)(b) or a petition under Subsection (2)(a) that is certified~~
459 ~~by the county clerk:]~~

460 ~~[(i) the county legislative body shall appoint an ad hoc advisory committee, as~~
461 ~~provided in Subsection (7), on or before January 1;]~~

462 ~~[(ii) the ad hoc advisory committee shall submit its report and recommendations to the~~
463 ~~county legislative body, as provided in Subsection (7), on or before July 1; and]~~

464 ~~[(iii) if the legislative body of each county with which a request or petition is filed~~
465 ~~approves a proposal to create a new district, each legislative body shall submit the proposal to~~
466 ~~the respective county clerk to be voted on by the electors of each existing district at the regular~~
467 ~~general or municipal general election held in November.]~~

468 ~~[(7) (a) The legislative body of each county with which a request or petition is filed~~
469 ~~shall appoint an ad hoc advisory committee to review and make recommendations on a request~~
470 ~~for the creation of a new school district submitted under Subsection (2)(a) or (b).]~~

471 ~~[(b) The advisory committee shall:]~~

472 ~~[(i) seek input from:]~~

473 ~~[(A) those requesting the creation of the new school district;]~~

474 ~~[(B) the local school board and school personnel of each existing school district;]~~

475 ~~[(C) those citizens residing within the geographical boundaries of each existing school~~
476 ~~district;]~~

477 ~~[(D) the state board; and]~~

478 ~~[(E) other interested parties;]~~

479 ~~[(ii) review data and gather information on at least:]~~

480 ~~[(A) the financial viability of the proposed new school district;]~~

481 ~~[(B) the proposal's financial impact on each existing school district;]~~

482 ~~[(C) the exact placement of school district boundaries; and]~~

483 ~~[(D) the positive and negative effects of creating a new school district and whether the~~
484 ~~positive effects outweigh the negative if a new school district were to be created; and]~~

485 ~~[(iii) make a report to the county legislative body in a public meeting on the~~
486 ~~committee's activities, together with a recommendation on whether to create a new school~~
487 ~~district.]~~

488 ~~[(8) For a request or petition submitted under Subsection (2)(a) or (b):]~~

489 ~~[(a) The county legislative body shall provide for a 45-day public comment period on~~
490 ~~the report and recommendation to begin on the day the report is given under Subsection~~
491 ~~(7)(b)(iii).]~~

492 ~~[(b) Within 14 days after the end of the comment period, the legislative body of each~~

493 county with which a request or petition is filed shall vote on the creation of the proposed new
494 school district.]

495 ~~[(c) The proposal is approved if a majority of the members of the legislative body of~~
496 ~~each county with which a request or petition is filed votes in favor of the proposal.]~~

497 ~~[(d) If the proposal is approved, the legislative body of each county with which a~~
498 ~~request or petition is filed shall submit the proposal to the county clerk to be voted on:]~~

499 ~~[(i) by the legal voters of each existing school district affected by the proposal;]~~

500 ~~[(ii) in accordance with the procedures and requirements applicable to a regular general~~
501 ~~election under Title 20A, Election Code; and]~~

502 ~~[(iii) at the next regular general election or municipal general election, whichever is~~
503 ~~first.]~~

504 ~~[(e) Creation of the new school district shall occur if a majority of the electors within~~
505 ~~both the proposed school district and each remaining school district voting on the proposal vote~~
506 ~~in favor of the creation of the new district.]~~

507 ~~[(f) Each county legislative body shall comply with the requirements of Section~~
508 ~~53G-3-203:]~~

509 ~~[(g) If a proposal submitted under Subsection (2)(a) or (b) to create a new district is~~
510 ~~approved by the electors, the existing district's documented costs to study and implement the~~
511 ~~proposal shall be reimbursed by the new district.]~~

512 ~~[(9) (a) If a proposal submitted under Subsection (2)(c) is certified under Subsection~~
513 ~~(5) or (6)(a), the legislative body of each county in which part of the proposed new school~~
514 ~~district is located shall submit the proposal to the respective clerk of each county to be voted~~
515 ~~on:]~~

516 ~~[(i) by the legal voters residing within the proposed new school district boundaries;]~~

517 ~~[(ii) in accordance with the procedures and requirements applicable to a regular general~~
518 ~~election under Title 20A, Election Code; and]~~

519 ~~[(iii) at the next regular general election or municipal general election, whichever is~~
520 ~~first.]~~

521 ~~[(b) (i) If a majority of the legal voters within the proposed new school district~~
522 ~~boundaries voting on the proposal at an election under Subsection (9)(a) vote in favor of the~~
523 ~~creation of the new district:]~~

524 ~~[(A) each county legislative body shall comply with the requirements of Section~~
525 ~~53G-3-203; and]~~

526 ~~[(B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5;~~
527 ~~the new district is created.]~~

528 ~~[(ii) Notwithstanding the creation of a new district as provided in Subsection~~
529 ~~(9)(b)(i)(B):]~~

530 ~~[(A) a new school district may not begin to provide educational services to the area~~
531 ~~within the new district until July 1 of the second calendar year following the local school board~~
532 ~~general election date described in Subsection 53G-3-302(3)(a)(i);]~~

533 ~~[(B) a remaining district may not begin to provide educational services to the area~~
534 ~~within the remaining district until the time specified in Subsection (9)(b)(ii)(A); and]~~

535 ~~[(C) each existing district shall continue, until the time specified in Subsection~~
536 ~~(9)(b)(ii)(A), to provide educational services within the entire area covered by the existing~~
537 ~~district.]~~

538 (3) Except as provided in Section 53G-3-301.4, a request or petition under Subsection
539 (2) may not form a new school district unless the new school district boundaries:

540 (a) are contiguous;

541 (b) do not completely surround or otherwise completely geographically isolate a
542 portion of the existing school district that is not part of the proposed new school district from
543 the remaining part of that existing school district;

544 (c) include the entire boundaries of each participant municipality or town;

545 (d) do not cross county lines; and

546 (e) have a combined student population of at least 5,000 students and no more than
547 40,000 students.

548 (4) For purposes of determining whether the boundaries of a proposed new school
549 district cross county lines under Subsection (3):

550 (a) a municipality located in more than one county and entirely within the boundaries
551 of a single school district is considered to be entirely within the same county as other
552 participants in an interlocal agreement under Section 53G-3-301.4 if more of the municipality's
553 land area and population is located in that same county than outside the county; and

554 (b) a municipality located in more than one county that participates in an interlocal

555 agreement under Subsection (2) with respect to some but not all of the area within the
556 municipality's boundaries on the basis of the exception stated in Section 53G-3-301.4 may not
557 be considered to cross county lines.

558 (5) For each new school district, each county legislative body shall comply with the
559 notice and plat filing requirements of Section 53G-3-203.

560 (6) If a new school district is created, the new district shall reimburse the reorganized
561 new district's documented costs to study and implement the proposal in proportion to the
562 student populations of each school district.

563 (7) An inadequacy of a feasibility study, as defined in Section 53G-3-102, may not be
564 the basis of a legal action or other challenge to:

565 (a) an election for voter approval of the creation of a new school district; or

566 (b) the creation of the new school district.

567 (8) Notwithstanding the creation of a new district as provided in this part:

568 (a) a new school district and a reorganized new school district may not begin to

569 provide educational services to the area within the new school district and reorganized new

570 school district until July 1 of the second calendar year following the local school board election

571 date as described in Section 53G-3-301.1, 53G-3-301.2, 53G-3-301.3, or 53G-3-301.4; and

572 (b) the divided school district shall continue, until the time specified in Subsection

573 (8)(a), to provide educational services within the entire area covered by the divided school

574 district.

575 (9) A new school district and a reorganized new school district shall enter into a shared

576 services agreement that permits students residing in each new school district access to attend a

577 school that serves students with disabilities within or outside of each school district boundary:

578 (a) with an equal per student assessment; and

579 (b) without affecting services provided to other students.

580 (10) A school district employee or local school board member may not use public

581 resources to:

582 (a) advocate for or against a school district creation;

583 (b) create a public issues committee relating to a school district creation; or

584 (c) conduct a survey relating to a school district creation.

585 (11) A school district employee or local school board member who violates Subsection

586 (1) is subject to:

587 (a) disciplinary action in accordance with Section 53E-3-401; or

588 (b) disciplinary action as provided in school district or local school board rule.

589 Section 6. Section 53G-3-301.1 is enacted to read:

590 **53G-3-301.1. Creation of a new school district -- Citizen's initiative petition --**
591 **Procedures to be followed.**

592 (1) Citizens may initiate the creation of a new school district through a citizens'
593 initiative petition in accordance with this section and Section 53G-3-301.

594 (2) (a) The county clerk shall ensure that an initiative petition submitted under this
595 section is signed by registered voters residing within the geographical boundaries of the
596 proposed new school district in an amount equal to at least 15% of all votes cast within the
597 geographic boundaries of the proposed new school district for all candidates for president of
598 the United States at the last regular general election at which a president of the United States
599 was elected.

600 (b) The sponsors of a petition submitted under Subsection (2)(a) shall file a petition
601 with the clerk of each county in which any part of the proposed new school district is located
602 that:

603 (i) indicates the typed or printed name and current residence address of each governing
604 board member making a request, or registered voter signing a petition, as the case may be;

605 (ii) describes the proposed new school district boundaries; and

606 (iii) designates up to five signers of the petition or request as sponsors, designating one
607 as the contact sponsor, with the mailing address and telephone number of each.

608 (c) Citizens may not initiate the process described in Subsection (2):

609 (i) more than once during any four-year period in relation to a given existing school
610 district; or

611 (ii) if the student population of the new district is fewer than 3,000.

612 (3) (a) (i) A signer of a petition described in Subsection (1) may withdraw or, once
613 withdrawn, reinstate the signer's signature by filing a written statement requesting for
614 withdrawal or reinstatement with the county clerk no later than three business days after the
615 day on which the petition is filed with the county clerk.

616 (ii) A statement described in Subsection (3)(a)(i) shall comply with the requirements

617 described in Subsection 20A-1-1003(2).

618 (iii) The county clerk shall use the procedures described in Subsection 20A-1-1003(3)
619 to determine whether to remove or reinstate an individual's signature from a petition after
620 receiving a timely, valid statement.

621 (b) The county clerk shall use the procedures described in Section 20A-1-1002 to
622 determine whether the petition has been signed by the required number of registered voters
623 residing within the geographical boundaries of the proposed new school district.

624 (4) Within 45 days after the day on which a petition described in Subsection (1) is
625 filed, the clerk of each county with which the request or petition is filed shall:

626 (a) determine whether the petition complies with Subsections (2) and (3), as applicable,
627 and Section 53G-3-301; and

628 (b) (i) if the county clerk determines that the request or petition complies with the
629 applicable requirements:

630 (A) certify the petition and deliver the certified petition to the county legislative body;
631 and

632 (B) mail or deliver written notification of the certification to the contact sponsor; or

633 (ii) if the county clerk determines that the petition fails to comply with any of the
634 applicable requirements, reject the petition and notify the contact sponsor in writing of the
635 rejection and reasons for the rejection.

636 (5) (a) If the county clerk fails to certify or reject a petition within the time specified in
637 Subsection (3), the petition is considered to be certified.

638 (b) (i) If the county clerk rejects a petition, the individual who submitted the petition
639 may amend the petition to correct the deficiencies for which the county clerk rejected the
640 petition and refile the petition.

641 (ii) Subsection (2)(b) does not apply to a petition that an individual has amended and
642 refiled after a rejection by a county clerk.

643 (6) (a) Within 30 days after the day on which a county legislative body receives a
644 certified petition as described in Subsection (4) or (5), the county legislative body shall request
645 that the Office of the Legislative Auditor General conduct a feasibility study, as that term is
646 defined in Section 53G-3-102.

647 (b) Within 90 days after the day on which the Office of the Legislative Auditor General

648 receives the request under Subsection (6)(a), the Office of the Legislative Auditor General shall
649 make a report and recommendation to the county legislative body in a public meeting.

650 (7) (a) The county legislative body shall:

651 (i) provide for a 60-day public comment period to begin on the day the county
652 legislative body receives the report under Subsection (6)(b); and

653 (ii) hold at least two public hearings, as defined in Section [10-9a-103](#), on the report and
654 recommendations.

655 (b) Within 14 days after the day on which the public comment period ends, the
656 legislative body of each county with which a petition is filed shall vote on the creation of the
657 proposed new school district.

658 (c) A county legislative body approves an initiative proposal if two-thirds of the
659 members of the legislative body vote in favor of the proposal.

660 (8) (a) If each county legislative body approves an initiative proposal under this
661 section, each county legislative body shall submit the proposal to the county clerk of each
662 county described in Subsection (2)(b) for a vote:

663 (i) by the legal voters of each existing school district the proposal affects;

664 (ii) in accordance with the procedures and requirements applicable to a regular general
665 election under Title 20A, Election Code; and

666 (iii) at the next regular general election or municipal general election, whichever is
667 first.

668 (b) A new school district is created if a majority of the legal voters within each existing
669 school district voting on the proposal vote in favor of the creation of the new district.

670 Section 7. Section **53G-3-301.2** is enacted to read:

671 **53G-3-301.2. Creation of a new school district -- Request by a local school board**
672 **of an existing district -- Procedures to be followed.**

673 (1) A local school board of an existing district that the creation of a new school district
674 would affect may initiate the process to create a new school district in accordance with this
675 section and Section [53G-3-301](#).

676 (2) (a) To initiate the school district creation process under Subsection (1), the local
677 school board shall file a request with the clerk of each county in which any part of the proposed
678 new school district is located that:

679 (i) indicates the typed or printed and current residence address of each governing board
680 member making a request;

681 (ii) describes the proposed new school district boundaries; and

682 (iii) designates up to five signers of the request as sponsors, including one as the
683 contact sponsor, with the mailing address and telephone number of each.

684 (b) A local school board may not initiate the process under Subsection (1):

685 (i) more than once during any four-year period in relation to a given existing school
686 district; or

687 (ii) if the student population of the new district is fewer than 3,000.

688 (3) Within five business days after the day on which a request described in Subsection
689 (2) is filed, the clerk of each county with which the request is filed shall:

690 (a) determine whether the request complies with Subsection (2) and Section

691 [53G-3-301](#); and

692 (b) (i) if the county clerk determines that the request complies with the applicable
693 requirements:

694 (A) certify the request and deliver the certified request to the county legislative body;

695 and

696 (B) mail or deliver written notification of the certification to the contact sponsor; or

697 (ii) if the county clerk determines that the request fails to comply with any of the
698 applicable requirements, reject the request and notify the contact sponsor in writing of the
699 rejection and reasons for the rejection.

700 (4) (a) If the county clerk fails to certify or reject a request within the time specified in
701 Subsection (3), the request is considered to be certified.

702 (b) (i) If the county clerk rejects a request, the local school board that submitted the
703 request may amend the request to correct the deficiencies for which the county clerk rejected
704 the request and refile the request.

705 (ii) Subsection (2)(b) does not apply to a request that a local school board has amended
706 and refiled after a rejection by a county clerk.

707 (5) (a) Within 30 days after the day the local school board receives certification as
708 described in Subsection (3) or (4), the local school board shall request that the Office of the
709 Legislative Auditor General conduct a feasibility study, as that term is defined in Section

710 [53G-3-102.](#)

711 (b) For the year 2024, the local school board may use a feasibility study conducted
712 between July 1, 2023, to June 30, 2024, if:

713 (i) the feasibility study contains the determinations described in Section [53G-3-102](#);

714 and

715 (ii) the local school board receives a report and recommendation regarding the
716 feasibility study in a public meeting.

717 (c) Within 90 days after the day on which the Office of the Legislative Auditor General
718 receives the request under this Subsection (5), the Office of the Legislative Auditor General
719 shall make a report and recommendation to the local school board in a public meeting.

720 (6) (a) The local school board shall:

721 (i) provide for a 60-day public comment period to begin on the day the local school
722 board receives the report under Subsection (5); and

723 (ii) hold at least two public hearings, as defined in Section [10-9a-103](#), on the report and
724 recommendations.

725 (b) Within 14 days after the day on which the public comment period ends, the local
726 school board shall vote on the creation of the proposed new school district.

727 (c) A local school board approves a proposal if two-thirds of the local school board
728 members vote in favor of the proposal.

729 (d) Within five business days after the day on which the local school board approves a
730 proposal, the local school shall notify the legislative body of each county described in
731 Subsection (2)(a).

732 (7) (a) The legislative body of each county described in Subsection (2) shall submit the
733 proposal to the county clerk to be voted on:

734 (i) by the legal voters of each existing school district the proposal affects;

735 (ii) in accordance with the procedures and requirements applicable to a regular general
736 election under Title 20A, Election Code; and

737 (iii) at the next regular general election or municipal general election, whichever is
738 first.

739 (b) A new school district is created if a majority of the legal voters within each existing
740 school district voting on the proposal vote in favor of the creation of the new district.

741 Section 8. Section **53G-3-301.3** is enacted to read:

742 **53G-3-301.3. Creation of a new school district -- Request by a municipality --**

743 **Procedures to be followed.**

744 (1) A municipality located within the boundaries of a school district and with a total
745 population of 35,000, as determined by the lieutenant governor using the process described in
746 Subsection [67-1a-2\(3\)](#), may initiate the process to create a new school district in accordance
747 with this section and Section [53G-3-301](#).

748 (2) (a) To initiate the school district creation process under Subsection (1), a
749 municipality shall file a request with the clerk of each county in which any part of the proposed
750 new school district is located that:

751 (i) indicates the typed or printed and current residence address of each governing board
752 member making a request;

753 (ii) describes the proposed new school district boundaries; and

754 (iii) designates up to five signers of the request as sponsors, including one as the
755 contact sponsor, with the mailing address and telephone number of each.

756 (b) A municipality may not initiate the process under Subsection (1):

757 (i) more than once during any four-year period in relation to a given existing school
758 district; or

759 (ii) if the student population of the new district is fewer than 3,000.

760 (3) Within five business days after the day on which a request described in Subsection

761 (2) is filed, the clerk of each county with which the request is filed shall:

762 (a) determine whether the request complies with Subsection (2) and Section
763 [53G-3-301](#); and

764 (b) (i) if the county clerk determines that the request complies with the applicable
765 requirements:

766 (A) certify the request and deliver the certified request to the municipality and each
767 county legislative body; and

768 (B) mail or deliver written notification of the certification to the contact sponsor; or

769 (ii) if the county clerk determines that the request fails to comply with any of the
770 applicable requirements, reject the request and notify the contact sponsor in writing of the

771 rejection and reasons for the rejection.

772 (4) (a) If the county clerk fails to certify or reject a request within the time specified in
773 Subsection (3), the request is considered to be certified.

774 (b) (i) If the county clerk rejects a request, the municipality that submitted the request
775 may amend the request to correct the deficiencies for which the county clerk rejected the
776 request and refile the request.

777 (ii) Subsection (2)(b) does not apply to a request that a municipality amended and
778 refiled after a rejection by a county clerk.

779 (5) (a) Within 30 days after the day on which a municipality legislative body receives a
780 certification as described in Subsection (3) or (4), a municipality legislative body shall request
781 that the Office of the Legislative Auditor General conduct a feasibility study, as that term is
782 defined in Section [53G-3-102](#).

783 (b) For the year 2024, the municipality legislative body may use a feasibility study that
784 the municipality legislative body conducted between July 1, 2023, to June 30, 2024, if:

785 (i) the feasibility study contains the determinations described in Section [53G-3-102](#);
786 and

787 (ii) the municipality receives a report and recommendation regarding the feasibility
788 study in a public meeting.

789 (c) Within 90 days after the day on which the Office of the Legislative Auditor General
790 receives the request under this Subsection (5), the Office of the Legislative Auditor General
791 shall make a report to the municipality legislative body in a public meeting.

792 (6) (a) The municipality legislative body shall:

793 (i) provide for a 90-day public comment period to begin on the day the report is
794 presented to the municipality legislative body under Subsection (5); and

795 (ii) hold at least two public hearings, as defined in Section [10-9a-103](#), on the report and
796 recommendation.

797 (b) Within 14 days after the day on which the public comment period ends, the
798 municipality legislative body shall vote on the creation of the proposed new school district.

799 (c) A municipality legislative body approves a proposal if two-thirds of the
800 municipality legislative body vote in favor of the proposal.

801 (d) Within five business days after the day on which the municipality legislative body
802 approves a proposal, the municipality legislative body shall notify the legislative body of each

803 county described in Subsection (2)(a).

804 (7) (a) The legislative body of each county described in Subsection (2) shall submit the
805 proposal to the county clerk to be voted on:

806 (i) by the legal voters of each existing school district the proposal affects;

807 (ii) in accordance with the procedures and requirements applicable to a regular general
808 election under Title 20A, Election Code; and

809 (iii) at the next regular general election or municipal general election, whichever is
810 first.

811 (b) A new school district is created if a majority of the legal voters within each existing
812 school district voting on the proposal vote in favor of the creation of the new district.

813 (8) Nothing in this section prevents a municipality from assisting the new school
814 district or reorganized new school district by:

815 (a) entering into a loan agreement with the new school district or reorganized new
816 school district; or

817 (b) assisting the new school district or reorganized new school district in securing a
818 line of credit.

819 Section 9. Section **53G-3-301.4** is enacted to read:

820 **53G-3-301.4. Creation of a new school district -- By interlocal agreement**
821 **participants -- Procedures to follow.**

822 (1) Interlocal agreement participants may initiate the process to create a new school
823 district in accordance with this section and with Section [53G-3-301](#).

824 (2) (a) By a two-thirds vote of each legislative body, the legislative body of a
825 municipality, together with at least one other municipality, may enter into an interlocal
826 agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose
827 of submitting for voter approval a measure to create a new school district if:

828 (i) except as provided in Subsection (3), the new school district boundaries comply
829 with the requirements of Section [53G-3-301](#); and

830 (ii) the combined population within the proposed new school district of the interlocal
831 agreement participants is at least 80% of the total population of the proposed new school
832 district.

833 (b) A county may only participate in an interlocal agreement under this Subsection (2)

834 for the unincorporated areas of the county.

835 (c) Boundaries of a new school district created under this section may include:

836 (i) a portion of one or more existing school districts; and

837 (ii) a portion of the unincorporated area of a county.

838 (3) (a) As used in this Subsection (3):

839 (i) "Isolated area" means an area that:

840 (A) is entirely within the boundaries of a municipality that, except for the area, is
841 entirely within a school district different than the school district in which the area is located;

842 (B) has a combined student population of fewer than 5,000 students; and

843 (C) would, because of the creation of a new school district from the existing district in
844 which the area is located, become completely geographically isolated.

845 (ii) "Municipality's school district" means the school district that includes all of the
846 municipality in which the isolated area is located except the isolated area.

847 (b) Notwithstanding Subsection 53G-3-301(3), a municipality may be a participant in
848 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area
849 within the municipality's boundaries if:

850 (i) the portion of the municipality proposed to be included in the new school district
851 would, if not included, become an isolated area upon the creation of the new school district; or

852 (ii) (A) the portion of the municipality proposed to be included in the new school
853 district is within the boundaries of the same school district that includes the other interlocal
854 agreement participants; and

855 (B) the portion of the municipality proposed to be excluded from the new school
856 district is within the boundaries of a school district other than the school district that includes
857 the other interlocal agreement participants.

858 (c) (i) Notwithstanding Section 53B-3-301, interlocal agreement participants may
859 submit a proposal to the legal voters residing within the proposed new school district
860 boundaries to create a new school district in accordance with an interlocal agreement under
861 Subsection (2)(a), even though the new school district boundaries would create an isolated
862 area, if:

863 (A) the potential isolated area is contiguous to one or more of the interlocal agreement
864 participants;

865 (B) the interlocal participants submit a written request to the municipality in which the
866 potential isolated area is located, requesting the municipality to enter into an interlocal
867 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to
868 create a new school district that includes the potential isolated area; and

869 (C) the municipality, to which the interlocal agreement participants submitted a request
870 under Subsection (3)(c)(i)(B), did not respond to the written request within 90 days after the
871 day on which the request was submitted.

872 (ii) Each municipality receiving a request under Subsection (3)(c)(i) shall hold one or
873 more public hearings to allow input from the public and affected school districts regarding
874 whether or not the municipality should enter into an interlocal agreement with respect to the
875 potential isolated area.

876 (d) (i) The isolated area described in this Subsection (3) shall, on July 1 of the second
877 calendar year following the local school board general election date described in Section
878 53G-3-302, become part of the municipality's school district.

879 (ii) The divided district shall continue to provide educational services to the isolated
880 area until July 1 of the second calendar year following the local school board general election
881 date described in Section 53G-3-302.

882 (4) (a) To initiate the school district creation process under Subsection (1), interlocal
883 agreement participants shall file a request with the clerk of each county in which any part of the
884 proposed new school district is located that:

885 (i) indicates the typed or printed and current residence address of each governing board
886 member making a request;

887 (ii) describes the proposed new school district boundaries; and

888 (iii) designates up to five signers of the request as sponsors, including as the contact
889 sponsor, with the mailing address and telephone number of each.

890 (b) Interlocal agreement participants may not initiate the process described in
891 Subsection (1):

892 (i) more than once during any four-year period in relation to a given existing school
893 district; or

894 (ii) if the student population of the new district is fewer than 3,000.

895 (5) Within five business days after the day on which a request described in Subsection

896 (4)(a) is filed, the clerk of each county with which the request is filed shall:

897 (a) determine whether the request complies with this section and Section [53G-3-301](#);

898 and

899 (b) (i) if the county clerk determines that the request complies with the applicable
900 requirements:

901 (A) certify the request and deliver the certified request to the legislative bodies of the
902 interlocal agreement participants; and

903 (B) mail or deliver written notification of the certification to the contact sponsor; or

904 (ii) if the county clerk determines that the request fails to comply with any of the
905 applicable requirements, reject the request and notify the contact sponsor in writing of the
906 rejection and reasons for the rejection.

907 (6) (a) If the county clerk fails to certify or reject a request within the time specified in
908 Subsection (5), the request is considered to be certified.

909 (b) (i) If the county clerk rejects a request, the interlocal agreement participants that
910 submitted the request may amend the request to correct the deficiencies for which the county
911 clerk rejected the request, and refile the request.

912 (ii) Subsection [53G-3-301](#)(3) does not apply to a request that interlocal agreement
913 participants amended and refiled after a rejection by a county clerk.

914 (7) (a) Within 30 days after the day on which the contact sponsor receives certification
915 as described in Subsection (5) or (6), the contact sponsor shall request that the Office of the
916 Legislative Auditor General conduct a feasibility study, as that term is defined in Section
917 [53G-3-102](#).

918 (b) For the year 2024, the interlocal agreement participants may use a feasibility study
919 that interlocal agreement participants conducted between July 1, 2023, to June 30, 2024, if:

920 (i) the feasibility study contains the determinations described in Section [53G-3-102](#);

921 and

922 (ii) the legislative bodies of the interlocal agreement participants receive a report and
923 recommendation regarding the feasibility study in a public meeting.

924 (c) Within 90 days after the day on which the Office of the Legislative Auditor General
925 receives the request under this Subsection (7), the Office of the Legislative Auditor General
926 shall make a report to the local school board in a public meeting.

- 927 (8) (a) The legislative bodies of the interlocal agreement participants shall:
928 (i) provide for a 45-day public comment period to begin on the day on which the
929 legislative bodies of the interlocal agreement participants receive the report under Subsection
930 (7); and
931 (ii) hold at least two public hearings, as defined in Section 10-9a-103, on the report and
932 recommendation.
- 933 (b) Within 14 days after the day on which the public comment period ends, the
934 legislative bodies of the interlocal agreement participants shall vote on the creation of the
935 proposed new school district.
- 936 (c) The interlocal agreement participants approve a proposal if two-thirds of each of
937 the legislative bodies of the interlocal agreement participants' members vote in favor of the
938 proposal.
- 939 (9) (a) Within five business days after the day on which the interlocal agreement
940 participants approve a proposal, the interlocal agreement participants shall notify the legislative
941 body of each county described in Subsection (4)(a).
- 942 (b) The legislative body of each county described in Subsection (4) shall submit the
943 proposal to the respective clerk of each county to be voted on:
- 944 (i) by the legal voters residing within the proposed new school district boundaries;
945 (ii) in accordance with the procedures and requirements applicable to a regular general
946 election under Title 20A, Election Code; and
947 (iii) at the next regular general election or municipal general election, whichever is
948 first.
- 949 (10) A new school district is created if a majority of the legal voters within each
950 existing school district voting on the proposal vote in favor of the creation of the new school
951 district.
- 952 (11) Nothing in this section prevents an interlocal agreement participant from assisting
953 the new school district or reorganized new school district by:
- 954 (a) entering into a loan agreement with the new school district or reorganized new
955 school district; or
956 (b) assisting the new school district or reorganized new school district in securing a
957 line of credit.

958 Section 10. Section 53G-3-302 is amended to read:

959 **53G-3-302. Election of local school board members -- Allocation of assets and**
960 **liabilities -- Startup costs -- Transfer of title.**

961 ~~[(1)(a) After conducting a feasibility study, a city with a population of at least 50,000,~~
962 ~~as determined by the lieutenant governor using the process described in Subsection 67-1a-2(3),~~
963 ~~may by majority vote of the legislative body, submit for voter approval a measure to create a~~
964 ~~new school district with boundaries contiguous with that city's boundaries, in accordance with~~
965 ~~Section 53G-3-301.]~~

966 ~~[(b)(i) The determination of all matters relating to the scope, adequacy, and other~~
967 ~~aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the~~
968 ~~city's legislative body.]~~

969 ~~[(ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis~~
970 ~~of a legal action or other challenge to:]~~

971 ~~[(A) an election for voter approval of the creation of a new school district; or]~~

972 ~~[(B) the creation of the new school district.]~~

973 ~~[(2)(a) By majority vote of the legislative body, a city of any class, a town, or a county,~~
974 ~~may, together with one or more other cities, towns, or the county enter into an interlocal~~
975 ~~agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose~~
976 ~~of submitting for voter approval a measure to create a new school district.]~~

977 ~~[(b)(i) In accordance with Section 53G-3-301, interlocal agreement participants under~~
978 ~~Subsection (2)(a) may submit a proposal for voter approval if:]~~

979 ~~[(A) the interlocal agreement participants conduct a feasibility study prior to submitting~~
980 ~~the proposal to the county;]~~

981 ~~[(B) the combined population within the proposed new school district boundaries is at~~
982 ~~least 50,000;]~~

983 ~~[(C) the new school district boundaries:]~~

984 ~~[(D) are contiguous;]~~

985 ~~[(H) do not completely surround or otherwise completely geographically isolate a~~
986 ~~portion of an existing school district that is not part of the proposed new school district from~~
987 ~~the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);]~~

988 ~~[(III) include the entire boundaries of each participant city or town, except as provided~~

989 in Subsection (2)(d)(ii); and]

990 [~~(IV) subject to Subsection (2)(b)(ii), do not cross county lines; and]~~

991 [~~(D) the combined population within the proposed new school district of interlocal~~

992 agreement participants that have entered into an interlocal agreement proposing to create a new

993 school district is at least 80% of the total population of the proposed new school district.]

994 [(ii) The determination of all matters relating to the scope, adequacy, and other aspects

995 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new

996 feasibility study or revise a previous feasibility study due to a change in the proposed new

997 school district boundaries, is within the exclusive discretion of the legislative bodies of the

998 interlocal agreement participants that enter into an interlocal agreement to submit for voter

999 approval a measure to create a new school district.]

1000 [(iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the

1001 basis of a legal action or other challenge to:]

1002 [(A) an election for voter approval of the creation of a new school district; or]

1003 [(B) the creation of the new school district.]

1004 [(iv) For purposes of determining whether the boundaries of a proposed new school

1005 district cross county lines under Subsection (2)(b)(i)(C)(IV):]

1006 [(A) a municipality located in more than one county and entirely within the boundaries

1007 of a single school district is considered to be entirely within the same county as other

1008 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's

1009 land area and population is located in that same county than outside the county; and]

1010 [(B) a municipality located in more than one county that participates in an interlocal

1011 agreement under Subsection (2)(a) with respect to some but not all of the area within the

1012 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may

1013 not be considered to cross county lines.]

1014 [(c) (i) A county may only participate in an interlocal agreement under this Subsection

1015 (2) for the unincorporated areas of the county.]

1016 [(ii) Boundaries of a new school district created under this section may include:]

1017 [(A) a portion of one or more existing school districts; and]

1018 [(B) a portion of the unincorporated area of a county, including a portion of a

1019 township.]

1020 ~~[(d) (i) As used in this Subsection (2)(d):]~~
1021 ~~[(A) "Isolated area" means an area that:]~~
1022 ~~[(f) is entirely within the boundaries of a municipality that, except for that area, is~~
1023 ~~entirely within a school district different than the school district in which the area is located;~~
1024 ~~and]~~
1025 ~~[(H) would, because of the creation of a new school district from the existing district in~~
1026 ~~which the area is located, become completely geographically isolated.]]~~
1027 ~~[(B) "Municipality's school district" means the school district that includes all of the~~
1028 ~~municipality in which the isolated area is located except the isolated area.]]~~
1029 ~~[(ii) Notwithstanding Subsection (2)(b)(i)(C)(H), a municipality may be a participant~~
1030 ~~in an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area~~
1031 ~~within the municipality's boundaries if:]~~
1032 ~~[(A) the portion of the municipality proposed to be included in the new school district~~
1033 ~~would, if not included, become an isolated area upon the creation of the new school district; or]~~
1034 ~~[(B) (f) the portion of the municipality proposed to be included in the new school~~
1035 ~~district is within the boundaries of the same school district that includes the other interlocal~~
1036 ~~agreement participants; and]~~
1037 ~~[(H) the portion of the municipality proposed to be excluded from the new school~~
1038 ~~district is within the boundaries of a school district other than the school district that includes~~
1039 ~~the other interlocal agreement participants.]]~~
1040 ~~[(iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(H), a proposal to create a new school~~
1041 ~~district may be submitted for voter approval pursuant to an interlocal agreement under~~
1042 ~~Subsection (2)(a), even though the new school district boundaries would create an isolated~~
1043 ~~area, if:]~~
1044 ~~[(f) the potential isolated area is contiguous to one or more of the interlocal agreement~~
1045 ~~participants;]~~
1046 ~~[(H) the interlocal participants submit a written request to the municipality in which the~~
1047 ~~potential isolated area is located, requesting the municipality to enter into an interlocal~~
1048 ~~agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to~~
1049 ~~create a new school district that includes the potential isolated area; and]~~
1050 ~~[(H) 90 days after a request under Subsection (2)(d)(iii)(A)(H) is submitted, the~~

1051 municipality has not entered into an interlocal agreement as requested in the request.]

1052 ~~[(B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall~~

1053 ~~hold one or more public hearings to allow input from the public and affected school districts~~

1054 ~~regarding whether or not the municipality should enter into an interlocal agreement with~~

1055 ~~respect to the potential isolated area.]~~

1056 ~~[(C) (I) This Subsection (2)(d)(iii)(C) applies if:]~~

1057 ~~[(Aa) a new school district is created under this section after a measure is submitted to~~

1058 ~~voters based on the authority of Subsection (2)(d)(iii)(A); and]~~

1059 ~~[(Bb) the creation of the new school district results in an isolated area.]~~

1060 ~~[(H) The isolated area shall, on July 1 of the second calendar year following the local~~

1061 ~~school board general election date described in Subsection (3)(a)(i), become part of the~~

1062 ~~municipality's school district.]~~

1063 ~~[(HH) Unless the isolated area is the only remaining part of the existing district, the~~

1064 ~~process described in Subsection (4) shall be modified to:]~~

1065 ~~[(Aa) include a third transition team, appointed by the local school board of the~~

1066 ~~municipality's school district, to represent that school district; and]~~

1067 ~~[(Bb) require allocation of the existing district's assets and liabilities among the new~~

1068 ~~district, the remaining district, and the municipality's school district.]~~

1069 ~~[(IV) The existing district shall continue to provide educational services to the isolated~~

1070 ~~area until July 1 of the second calendar year following the local school board general election~~

1071 ~~date described in Subsection (3)(a)(i).]~~

1072 ~~[(3)]~~ (1) (a) If voters approve a proposal [~~under this section is approved by voters~~] to

1073 create a new school district under this part:

1074 (i) the legislative body of the county in which the new school district and reorganized

1075 new school district are located shall hold an election [~~shall be held~~] at the next regular general

1076 election, or at a special election in accordance with Section [20A-1-203](#), to elect:

1077 (A) members to the local school board of the [~~existing~~] divided school district whose

1078 terms are expiring;

1079 (B) all members to the local school board of the new school district; and

1080 (C) all members to the local school board of the [~~remaining~~] reorganized new school

1081 district;

1082 (ii) the local school board of the divided district shall divide the assets and liabilities of
1083 the ~~[existing]~~ divided school district ~~[shall be divided]~~ between ~~[the remaining school district~~
1084 ~~and]~~ the new school district and the reorganized new school district as provided in Subsection
1085 ~~[(5)]~~ (3) and Section 53G-3-307;

1086 (iii) transferred employees shall be treated in accordance with Sections 53G-3-205 and
1087 53G-3-308;

1088 (iv) ~~[(A)]~~ an individual residing within the boundaries of a new school district or
1089 reorganized new school district at the time the new school district is created may, for six school
1090 years after the creation of the new school district, elect to enroll in a secondary school located
1091 ~~[outside]~~ within the boundaries of the reorganized new~~[new]~~ school district if:

1092 ~~[(F)]~~ (A) the individual resides within the boundaries of that secondary school as of the
1093 day before the new school district is created; and

1094 ~~[(H)]~~ (B) the individual would have been eligible to enroll in that secondary school had
1095 the new school district not been created; ~~[and]~~

1096 ~~[(B)]~~ (v) the reorganized new school district in which the secondary school is located
1097 shall provide educational services, including, if provided before the creation of the new school
1098 district, busing, to each individual making an election under Subsection ~~[(3)(a)(iv)(A)]~~
1099 (1)(a)(iv) for each school year for which the individual makes the election; and

1100 ~~[(v)]~~ (vi) within one year ~~[after]~~ following the date on which the new school district
1101 begins providing educational services, the superintendent of each ~~[remaining]~~ affected school
1102 district ~~[affected and the superintendent of the new district]~~ shall meet, together with the state
1103 superintendent, to determine if further boundary changes should ~~[be proposed]~~ take place in
1104 accordance with Section 53G-3-501.

1105 (b) (i) The county legislative body shall stagger and adjust the terms of the initial
1106 members of the local school ~~[board]~~ boards of the ~~[new district and remaining district shall be~~
1107 ~~staggered and adjusted by the county legislative body]~~ new school district and the reorganized
1108 new school district so that approximately half of the local school board is elected every two
1109 years following the allocation date.

1110 (ii) The term of a member of the ~~[existing]~~ divided school district local school board~~;~~
1111 ~~including a member elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second~~
1112 ~~year after the local school board general election date described in Subsection (3)(a)(i),~~

1113 ~~regardless of when the term would otherwise have terminated]~~ terminates on January 1 of the
1114 year following the allocation date.

1115 (iii) Notwithstanding the existence of a local school board for the new school district
1116 and a local school board for the [~~remaining~~] reorganized new school district [~~under Subsection~~
1117 ~~(3)(a)(i)]~~ under Subsection (1)(a)(i), the local school board of the [~~existing~~] divided school
1118 district shall continue~~[, until the time specified in Subsection 53G-3-301(9)(b)(ii)(A);]~~ to
1119 function and exercise authority as a local school board until the allocation date to the extent
1120 necessary;

1121 (A) to continue to provide educational services to the entire [~~existing~~] divided school
1122 district~~[-]; and~~

1123 (B) to complete the allocation of assets and liabilities and other duties as described in
1124 this section.

1125 (iv) An individual may simultaneously serve as or be elected to be a member of the
1126 local school board of [~~an existing~~] a divided school district and a member of the local school
1127 board of:

1128 (A) a new school district; or

1129 (B) a [~~remaining~~] reorganized new school district.

1130 [~~(4)(a) Within 45 days after the canvass date for the election at which voters approve~~
1131 ~~the creation of a new district:]~~

1132 [~~(i) a transition team to represent the remaining district shall be appointed by the~~
1133 ~~members of the existing local school board who reside within the area of the remaining district,~~
1134 ~~in consultation with:]~~

1135 [~~(A) the legislative bodies of all municipalities in the area of the remaining district;~~
1136 ~~and]~~

1137 [~~(B) the legislative body of the county in which the remaining district is located, if the~~
1138 ~~remaining district includes one or more unincorporated areas of the county, and]~~

1139 [~~(ii) another transition team to represent the new district shall be appointed by:]~~

1140 [~~(A) for a new district located entirely within the boundaries of a single city, the~~
1141 ~~legislative body of that city, or]~~

1142 [~~(B) for each other new district, the legislative bodies of all interlocal agreement~~
1143 ~~participants:]~~

1144 ~~[(b)]~~ (2) (a) The local school board of the ~~[existing]~~ divided school district shall, within
 1145 60 days after the ~~[canvass date for the election at which voters approve the creation of a new~~
 1146 ~~district]~~ creation date:

1147 (i) prepare an inventory of the ~~[existing]~~ divided school district's:

1148 (A) assets, both tangible and intangible, real and personal; and

1149 (B) liabilities; and

1150 (ii) deliver a copy of the inventory to ~~[each of the transition teams.]~~ the Office of the
 1151 Legislative Auditor General.

1152 ~~[(c) The transition teams appointed under Subsection (4)(a)]~~

1153 (iii) On or before August 1 of the year following the general election described in
 1154 Subsection (1)(i), the local school board of the divided school district, along with the
 1155 cooperation of the new school board, and the new local school board shall:

1156 ~~[(i)]~~ (A) determine the allocation of the ~~[existing]~~ divided school district's assets and,
 1157 except for indebtedness under Section [53G-3-307](#), ~~[liabilities between the remaining district~~
 1158 ~~and]~~ liabilities of the new school district and reorganized new school district in accordance
 1159 with Subsection ~~[(5)]~~ (3);

1160 ~~[(ii)]~~ (B) prepare a written report detailing ~~[how the existing district's assets and,~~
 1161 ~~except for indebtedness under Section 53G-3-307, liabilities are to be allocated]~~ the allocation
 1162 under Subsection (2)(b)(i); and

1163 ~~[(iii)]~~ (C) deliver a copy of the written report to~~[:]~~

1164 ~~[(A) the local school board of the existing district;]~~

1165 ~~[(B) the local school board of the remaining district; and]~~

1166 ~~[(C) the local school board of the new district]~~ the Office of the Legislative Auditor
 1167 General.

1168 ~~[(d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and~~
 1169 ~~deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the~~
 1170 ~~election at which voters approve the creation of a new district, unless that deadline is extended~~
 1171 ~~by the mutual agreement of:]~~

1172 ~~[(i) the local school board of the existing district; and]~~

1173 ~~[(ii) (A) the legislative body of the city in which the new district is located, for a new~~
 1174 ~~district located entirely within a single city; or]~~

1175 ~~[(B) the legislative bodies of all interlocal agreement participants, for each other new~~
1176 ~~district.]~~

1177 ~~[(e)(i) All] (b) The reorganized new school district shall bear all costs and expenses of~~
1178 ~~the transition [team that represents a remaining district shall be borne by the remaining~~
1179 ~~district].~~

1180 ~~[(ii) All costs and expenses of the transition team that represents a new district shall~~
1181 ~~initially be borne by:]~~

1182 ~~[(A) the city whose legislative body appoints the transition team, if the transition team~~
1183 ~~is appointed by the legislative body of a single city; or]~~

1184 ~~[(B) the interlocal agreement participants, if the transition team is appointed by the~~
1185 ~~legislative bodies of interlocal agreement participants.]~~

1186 ~~[(iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal~~
1187 ~~agreement participants for:]~~

1188 ~~[(A) transition team costs and expenses; and]~~

1189 ~~[(B) startup costs and expenses incurred by the city or interlocal agreement participants~~
1190 ~~on behalf of the new district.]~~

1191 ~~[(5)] (3) (a) As used in this Subsection [(5)] (3):~~

1192 (i) "Associated property" means furniture, equipment, or supplies located in or
1193 specifically associated with a physical asset.

1194 (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection
1195 ~~[(5)(a)(ii)(B)] (3)(a)(ii)(B)~~, an asset or liability that is not tied to a specific project, school,
1196 student, or employee by law or school district accounting practice.

1197 (B) "Discretionary asset or liability" does not include a physical asset, associated
1198 property, a vehicle, or bonded indebtedness.

1199 (iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection
1200 ~~[(5)(a)(iii)(B)] (3)(a)(iii)(B)~~, an asset or liability that is tied to a specific project, school,
1201 student, or employee by law or school district accounting practice.

1202 (B) "Nondiscretionary asset or liability" does not include a physical asset, associated
1203 property, a vehicle, or bonded indebtedness.

1204 (iv) "Physical asset" means a building, land, or water right together with revenue
1205 derived from the lease or use of the building, land, or water right.

1206 (b) Except as provided in Subsection ~~[(5)(c), the transition teams appointed under~~
 1207 ~~Subsection (4)(a)]~~ (3)(c), the local school board of the divided school district shall allocate all
 1208 assets and liabilities the ~~[existing]~~ divided school district owns on the allocation date, both
 1209 tangible and intangible, real and personal, to the new school district and ~~[remaining]~~
 1210 reorganized new school district as follows:

1211 (i) a physical asset and associated property shall be allocated to the school district in
 1212 which the physical asset is located;

1213 (ii) a discretionary asset or liability shall be allocated between the new school district
 1214 and ~~[remaining]~~ reorganized new school district in proportion to the student populations of the
 1215 school districts;

1216 (iii) a nondiscretionary asset ~~[shall be allocated]~~ to the school district where the
 1217 project, school, student, or employee to which the nondiscretionary asset is tied will be located;

1218 (iv) vehicles used for pupil transportation ~~[shall be allocated]~~:

1219 (A) according to the transportation needs of schools, as measured by the number and
 1220 assortment of vehicles used to serve eligible state supported transportation routes serving
 1221 schools within the new school district and ~~[remaining]~~ the reorganized new school district; and

1222 (B) in a manner that gives each school district a fleet of vehicles for pupil
 1223 transportation that is equivalent in terms of age, condition, and variety of carrying capacities;
 1224 and

1225 (v) other vehicles ~~[shall be allocated]~~:

1226 (A) in proportion to the student populations of the school districts; and

1227 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age,
 1228 condition, and carrying capacities.

1229 (c) By mutual agreement~~[, the transition teams]~~ between the new local school board
 1230 and the reorganized new local school board, the local school board of the divided district may
 1231 allocate an asset or liability in a manner different than the allocation method specified in
 1232 Subsection ~~[(5)(b)]~~ (3)(b).

1233 ~~[(6)]~~ (4) (a) As used in this Subsection ~~[(6)]~~ (4):

1234 (i) "New school district startup costs" means~~[-(A)]~~ the costs and expenses incurred by
 1235 a new school district in order to prepare to begin providing educational services on July 1 of
 1236 the second calendar year following the local school board general election date described in

1237 Subsection ~~[(3)(a)(i); and]~~ (1)(a)(i).

1238 ~~[(B) the costs and expenses of the transition team that represents the new district.]~~

1239 (ii) "~~[Remaining]~~ Reorganized new school district startup costs" means~~[(A)]~~ costs and

1240 expenses ~~[incurred by a remaining district in order to: (f)]~~ that a reorganized new school district

1241 incurs to make necessary adjustments to deal with the impacts resulting from the creation of the

1242 new school district[;] and ~~[(H)]~~ to prepare to provide educational services within the

1243 ~~[remaining]~~ reorganized new school district once the new school district begins providing

1244 educational services within the new school district~~[-and]~~.

1245 ~~[(B) the costs and expenses of the transition team that represents the remaining~~

1246 ~~district.]~~

1247 (b) (i) ~~[By]~~ On or before January 1 of the year following the new local school board

1248 general election date described in Subsection ~~[(3)(a)(i)]~~ (1)(a)(i), the ~~[existing]~~ divided school

1249 district shall make half of the ~~[undistributed]~~ unassigned reserve fund from its General Fund, to

1250 a maximum of ~~[\$9,000,000]~~ \$30,000,000, available for the use of the ~~[remaining]~~ reorganized

1251 new school district and the new school district, as provided in this Subsection ~~[(6)]~~ (4).

1252 (ii) The ~~[existing]~~ divided school district may make additional funds available for the

1253 use of the ~~[remaining]~~ reorganized new school district and the new school district beyond the

1254 amount specified in Subsection ~~[(6)(b)(i)]~~ (4)(b)(i) through an interlocal agreement.

1255 (c) The ~~[existing]~~ divided school district shall make the money under Subsection

1256 ~~[(6)(b)]~~ (4)(b) available to the ~~[remaining]~~ reorganized new school district and the new school

1257 district proportionately based on student population.

1258 (d) The following may access and spend money made available under Subsection

1259 ~~[(6)(b) may be accessed and spent by]~~ (4)(b):

1260 (i) ~~[for the remaining district, the local school board of]~~ the ~~[remaining]~~ reorganized

1261 new school district local school board; and

1262 (ii) ~~[for the new district, the local school board of]~~ the new school district local school

1263 board.

1264 (e) ~~[(i) The remaining district may use its portion of the money made available under~~

1265 ~~Subsection (6)(b) to pay for remaining district startup costs. (ii)]~~ The new school district and

1266 the reorganized new school district may use ~~[its portion of]~~ the money made available under

1267 Subsection ~~[(6)(b)]~~ (4)(b) to pay for new school district and reorganized new school district

1268 startup costs.

1269 ~~[(7)]~~ (5) (a) The ~~[existing]~~ divided school district shall transfer title or, if applicable,
 1270 partial title of property to the new school district and the reorganized new school district in
 1271 accordance with the allocation of property ~~[by the transition teams,]~~ as stated in the report
 1272 under Subsection ~~[(4)(c)(ii)]~~ (2)(b)(ii).

1273 (b) The ~~[existing]~~ divided school district shall complete each transfer of title or, if
 1274 applicable, partial title to real property and vehicles ~~[by]~~ on or before July 1 of the second
 1275 calendar year following the local school board general election date described in Subsection
 1276 ~~[(3)(a)(i), except as that date is changed by the mutual agreement of]~~ (1)(a)(i), unless a different
 1277 date is agreed upon by mutual agreement of:

1278 ~~[(i) the local school board of the existing district,]~~

1279 ~~[(ii) the local school board of the remaining]~~

1280 (i) the reorganized new school district local board; and

1281 ~~[(iii)]~~ (ii) [the local school board of] the new school district local school board.

1282 (c) The ~~[existing]~~ divided school district shall complete the transfer of all property not
 1283 included in Subsection ~~[(7)(b) by]~~ (5)(b) on or before November 1 of the second calendar year
 1284 after the local school board general election date described in Subsection ~~[(3)(a)(i)]~~ (1)(a)(i).

1285 ~~[(8)]~~ (6) Except as provided in Subsections ~~[(6)]~~ (4) and ~~[(7)]~~ (5), ~~[after the creation~~
 1286 ~~election date an existing]~~ a divided school district may not transfer or agree to transfer title to
 1287 district property beginning on the day the new school district or reorganized new school district
 1288 is created without the prior consent of:

1289 (a) the legislative body of the ~~[city]~~ municipality in which the boundaries for the new
 1290 school district [is] or reorganized new school district are entirely located~~[, for a new district~~
 1291 ~~located entirely within a single city]; or~~

1292 (b) the legislative bodies of all interlocal agreement participants~~[, for each other new~~
 1293 ~~district]~~ in which the boundaries of the new school district or reorganized new school district
 1294 are located.

1295 ~~[(9) This section does not apply to the creation of a new district initiated through a~~
 1296 ~~citizens' initiative petition or at the request of a local school board under Section 53G-3-301.]~~

1297 Section 11. Section 53G-3-303 is amended to read:

1298 **53G-3-303. New school district property tax -- Limitations.**

1299 (1) (a) A new school district created under Section ~~[53G-3-302]~~ 53G-3-301.1,
 1300 53G-3-301.2, 53G-3-301.3, or 53G-3-301.4 may not impose a property tax ~~[prior to]~~ before the
 1301 fiscal year in which the new school district ~~[assumes]~~ and reorganized new school district
 1302 assume responsibility for providing student instruction.

1303 (b) The ~~[remaining]~~ reorganized new school school district retains authority to impose
 1304 property taxes on the ~~[existing]~~ divided school district, including the territory of the new school
 1305 district, until the fiscal year in which the new school district assumes responsibility for
 1306 providing student instruction.

1307 (2) (a) If at the time a new school district created ~~[pursuant to Section 53G-3-302~~
 1308 ~~assumes]~~ in accordance with Section 53G-3-301.1, 53G-3-301.2, 53G-3-301.3, or 53G-3-301.4
 1309 assumes responsibility for student instruction any portion of the territory within the new school
 1310 district was subject to a levy pursuant to Section 53F-8-301, the new school district's board
 1311 may:

- 1312 (i) discontinue the levy for the new school district;
- 1313 (ii) impose a levy on the new school district as provided in Section 53F-8-301; or
- 1314 (iii) impose the levy on the new school district, subject to Subsection (2)(b).

1315 (b) If the new school district's local school board applies a levy to the new school
 1316 district ~~[pursuant to]~~ in accordance with Subsection (2)(a)(iii), the levy may not exceed the
 1317 maximum duration or rate authorized by the voters of the ~~[existing]~~ divided school district ~~[or~~
 1318 ~~districts]~~ at the time of the vote to create the new school district.

1319 Section 12. Section 53G-3-304 is amended to read:

1320 **53G-3-304. Property tax levies in new district and reorganized new district --**
 1321 **Distribution of property tax revenue.**

1322 (1) ~~[Notwithstanding terms defined in Section 53G-3-102, as]~~ As used in this section:

1323 ~~[(a) "Divided school district" or "existing district" means a school district from which a~~
 1324 ~~new district is created.]~~

1325 ~~[(b) "New district" means a school district created under Section 53G-3-302 after May~~
 1326 ~~10, 2011.]~~

1327 ~~[(c)]~~ (a) "Property tax levy" means a property tax levy that a school district is
 1328 authorized to impose, except:

- 1329 (i) the minimum basic tax rate imposed under Section 53F-2-301;

1330 (ii) a debt service levy imposed under Section 11-14-310; or

1331 (iii) a judgment levy imposed under Section 59-2-1330.

1332 ~~[(d)]~~ (b) "Qualifying taxable year" means the calendar year in which a new district
1333 begins to provide educational services.

1334 ~~[(e) "Remaining district" means an existing district after the creation of a new district.]~~

1335 (2) A new school district and ~~[remaining]~~ reorganized new school district shall
1336 continue to impose property tax levies that were imposed by the divided school district in the
1337 taxable year ~~[prior to]~~ before the qualifying taxable year.

1338 (3) Except as provided in Subsection (6), a property tax levy that a new school district
1339 and ~~[remaining]~~ reorganized new school district are required to impose under Subsection (2)
1340 shall be set at a rate that:

1341 (a) is uniform in the new school district and ~~[remaining]~~ reorganized new school
1342 district; and

1343 (b) generates the same amount of revenue that was generated by the property tax levy
1344 within the divided school district in the taxable year ~~[prior to]~~ before the qualifying taxable
1345 year.

1346 (4) The county treasurer of the county in which a property tax levy is imposed under
1347 Subsection (2) shall distribute revenues generated by the property tax levy to the new school
1348 district and ~~[remaining]~~ reorganized new school district in proportion to the percentage of the
1349 divided school district's enrollment on the October 1 ~~[prior to]~~ before the new school district
1350 ~~[commencing]~~ commences educational services that were enrolled in schools currently located
1351 in the new school district or ~~[remaining]~~ reorganized new school district.

1352 (5) On or before March 31, a county treasurer shall distribute revenues generated by a
1353 property tax levy imposed under Subsection (2) in the prior calendar year to a new school
1354 district and ~~[remaining]~~ reorganized new school district as provided in Subsection (4).

1355 (6) (a) Subject to the notice and public hearing requirements of Section 59-2-919, a
1356 new school district or ~~[remaining]~~ reorganized new school district may set a property tax rate
1357 higher than the rate required by Subsection (3), up to:

1358 (i) the maximum rate, if any, allowed by law; or

1359 (ii) the maximum rate authorized by voters for a voted local levy under Section
1360 53F-8-301.

1361 (b) The revenues generated by the portion of a property tax rate in excess of the rate
1362 required by Subsection (3) shall be retained by the district that imposes the higher rate.

1363 Section 13. Section **53G-3-305** is amended to read:

1364 **53G-3-305. Redistricting -- Local school board membership.**

1365 (1) Upon the creation of a new school district in accordance with Section [53G-3-301.1](#),
1366 [53G-3-301.2](#), [53G-3-301.3](#), or [53G-3-301.4](#), the applicable legislative body shall redistrict the
1367 affected school districts in accordance with Section [20A-14-201](#).

1368 (2) Except as provided in Section [53G-3-302](#), local school board membership in the
1369 affected school districts shall be determined under Title 20A, Chapter 14, Part 2, Election of
1370 Members of Local Boards of Education.

1371 Section 14. Section **53G-3-306** is amended to read:

1372 **53G-3-306. Transfer of school property to new school district and reorganized**
1373 **new school district.**

1374 (1) (a) (i) On July 1 of the year following the local school board elections for a new
1375 school district created [~~pursuant to~~] through a citizens' initiative petition or local school board
1376 request under Section [~~53G-3-301~~] [53G-3-301.1](#) or [53G-3-301.2](#) and [~~an existing~~] a divided
1377 school district as provided in Section [53G-3-305](#), the divided district's local school board [~~of~~
1378 ~~the existing district~~] shall convey and deliver to the new school district's and reorganized new
1379 school district's local school board [~~of the new district~~] all school property to which the new
1380 school district is entitled [~~to receive~~].

1381 (ii) [~~Any~~] The county legislative body shall resolve any disagreements as to the
1382 disposition of school property [~~shall be resolved by the county legislative body~~].

1383 (iii) Subsection (1)(a)(ii) does not apply to disagreements between [~~transition teams~~]
1384 local school boards about the proper allocation of property under [~~Subsection 53G-3-302(4)~~]
1385 Section [53G-3-302](#).

1386 (b) [~~An existing~~] In accordance with Section [53G-3-302](#), a divided school district shall
1387 transfer property to a new school district created under Section [~~53G-3-302 in accordance with~~
1388 ~~Section 53G-3-302~~] [53G-3-301.3](#) or [53G-3-301.4](#).

1389 (2) Title vests in the new local school board, including all rights, claims, and causes of
1390 action to or for the property, for the use or the income from the property, for conversion,
1391 disposition, or withholding of the property, or for any damage or injury to the property.

1392 (3) The new local school board may bring and maintain actions to recover, protect, and
 1393 preserve the property and rights of the district's schools and to enforce contracts.

1394 Section 15. Section **53G-3-307** is amended to read:

1395 **53G-3-307. Tax to pay for indebtedness of divided school district.**

1396 [~~(1)(a) For a new district created prior to May 10, 2011, the local school boards of the~~
 1397 ~~remaining and new districts shall determine the portion of the divided school district's bonded~~
 1398 ~~indebtedness and other indebtedness for which the property within the new district remains~~
 1399 ~~subject to the levy of taxes to pay a proportionate share of the divided school district's~~
 1400 ~~outstanding indebtedness.]~~

1401 [~~(b) The proportionate share of the divided school district's outstanding indebtedness~~
 1402 ~~for which property within the new district remains subject to the levy of taxes shall be~~
 1403 ~~calculated by determining the proportion that the total assessed valuation of the property within~~
 1404 ~~the new district bears to the total assessed valuation of the divided school district.]~~

1405 [~~(i) in the year immediately preceding the date the new district was created; or]~~

1406 [~~(ii) at a time mutually agreed upon by the local school boards of the new district and~~
 1407 ~~the remaining district.]~~

1408 [~~(c) The agreement reflecting the determinations made under this Subsection (1) shall~~
 1409 ~~take effect upon being filed with the county legislative body and the state board.]~~

1410 [~~(2)(a) Except as provided in Subsection (2)(b), the local school board of a new~~
 1411 ~~district created prior to May 10, 2011, shall levy a tax on property within the new district~~
 1412 ~~sufficient to pay the new district's proportionate share of the indebtedness determined under~~
 1413 ~~Subsection (1).]~~

1414 [~~(b) If a new district has money available to pay the new district's proportionate share~~
 1415 ~~of the indebtedness determined under Subsection (1), the new district may abate a property tax~~
 1416 ~~to the extent of money available.]~~

1417 [~~(3)~~] (1) As used in Subsections [~~(4)~~] (2) and [~~(5)~~] (3), "outstanding bonded
 1418 indebtedness" means debt owed for a general obligation bond issued by the divided school
 1419 district:

1420 (a) [~~prior to~~] before the creation of the new school district; or

1421 (b) in accordance with a mutual agreement of the local school boards of the
 1422 [~~remaining~~] reorganized new school district and [~~new districts~~] the new school district under

1423 Subsection ~~[(6)]~~ (4).

1424 ~~[(4)]~~ (2) If a new school district is created on or after May 10, 2011, property within
1425 the new school district and the ~~[remaining]~~ reorganized new school district is subject to the
1426 levy of a tax to pay the divided school district's outstanding bonded indebtedness as provided in
1427 Subsection ~~[(5)]~~ (3).

1428 ~~[(5)]~~ (3) (a) Except as provided in Subsection ~~[(5)(b)]~~ (3)(b), the local school board of
1429 the new school district and the local school board of the ~~[remaining]~~ reorganized new school
1430 district shall impose a tax levy at a rate that:

1431 (i) generates from the combined districts the amount of revenue required each year to
1432 meet the outstanding bonded indebtedness of the divided school district; and

1433 (ii) is ~~[uniform within]~~ based on the adjusted assessed value of the new school district
1434 and ~~[remaining]~~ reorganized new school district, which shall be assessed every five years.

1435 (b) A local school board of a new school district may abate a property tax required to
1436 be imposed under Subsection ~~[(5)(a)]~~ (3)(a) to the extent the new school district has money
1437 available to pay to the ~~[remaining]~~ reorganized new school district the amount of revenue that
1438 would be generated within the new school district from the tax rate specified in Subsection
1439 ~~[(5)(a)]~~ (3)(a).

1440 ~~[(6)]~~ (4) (a) The local school boards of the ~~[remaining]~~ new school district and ~~[new~~
1441 ~~districts]~~ the reorganized new school district shall determine by mutual agreement the
1442 disposition of bonds approved but not issued by the divided school district before the creation
1443 of the new school district and reorganized new school district based primarily on the
1444 representation made to the voters at the time of the bond election.

1445 (b) Before a determination is made under Subsection ~~[(6)(a)]~~ (4)(a), a ~~[remaining]~~
1446 reorganized new school district may not issue bonds approved but not issued before the
1447 creation of the new school district and reorganized new school district if property in the new
1448 school district would be subject to the levy of a tax to pay the bonds.

1449 Section 16. Section **53G-3-308** is amended to read:

1450 **53G-3-308. Employees of a new district.**

1451 (1) Upon the creation of a new school district:

1452 (a) an employee of ~~[an existing]~~ divided school district who is employed at a school
1453 that is transferred to the new school district shall become an employee of the ~~[new]~~ district in

1454 which the school is located; and

1455 (b) the local school board of the new school district shall:

1456 (i) have discretion in the hiring of all other staff;

1457 (ii) adopt the personnel policies and practices of the [~~existing~~] divided school district,
1458 including salary schedules and benefits; and

1459 (iii) enter into agreements with employees of the new school district, or [~~their~~] the new
1460 school district employees' representatives, that have the same terms as those in the negotiated
1461 agreements between the [~~existing~~] divided school district and [~~its~~] the divided school district's
1462 employees.

1463 (2) (a) Subject to Subsection (2)(b), an employee of a school district from which a new
1464 district is created who becomes an employee of the new school district shall retain the same
1465 status as a career or provisional employee with accrued seniority and accrued benefits.

1466 (b) Subsection (2)(a) applies to:

1467 (i) employees of [~~an existing~~] a divided school district who are transferred to a new
1468 school district [~~pursuant to~~] as described in Subsection (1)(a); and

1469 (ii) employees of a school district from which a new school district is created who are
1470 hired by the new school district within one year of the date of the creation of the new school
1471 district.

1472 (3) An employee who is transferred to a new school district [~~pursuant to~~] in accordance
1473 with Subsection (1)(a) and is [~~rehired~~] hired by the [~~existing~~] the reorganized new school
1474 district within one year of the date of the creation of the new school district shall, when
1475 [~~rehired~~] hired by the [~~existing~~] reorganized new school district, retain the same status as a
1476 career or provisional employee with accrued seniority and accrued benefits.

1477 (4) Before the new school district commences educational services, the reorganized
1478 new school district school board may not dismiss an employee of the reorganized new school
1479 district who is transferred to the new school district for the sole reason that the employee
1480 becomes an employee of the new school district.

1481 Section 17. Section **53G-4-402** is amended to read:

1482 **53G-4-402. Powers and duties generally.**

1483 (1) A local school board shall:

1484 (a) implement the core standards for Utah public schools using instructional materials

1485 that best correlate to the core standards for Utah public schools and graduation requirements;

1486 (b) administer tests, required by the state board, which measure the progress of each
1487 student, and coordinate with the state superintendent and state board to assess results and create
1488 plans to improve the student's progress, which shall be submitted to the state board for
1489 approval;

1490 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
1491 students that need remediation and determine the type and amount of federal, state, and local
1492 resources to implement remediation;

1493 (d) for each grading period and for each course in which a student is enrolled, issue a
1494 grade or performance report to the student:

1495 (i) that reflects the student's work, including the student's progress based on mastery,
1496 for the grading period; and

1497 (ii) in accordance with the local school board's adopted grading or performance
1498 standards and criteria;

1499 (e) develop early warning systems for students or classes failing to make progress;

1500 (f) work with the state board to establish a library of documented best practices,
1501 consistent with state and federal regulations, for use by the special districts;

1502 (g) implement training programs for school administrators, including basic
1503 management training, best practices in instructional methods, budget training, staff
1504 management, managing for learning results and continuous improvement, and how to help
1505 every ~~[child]~~ student achieve optimal learning in basic academic subjects; and

1506 (h) ensure that the local school board meets the data collection and reporting standards
1507 described in Section [53E-3-501](#).

1508 (2) ~~[Local]~~ Each local school ~~[boards]~~ board shall spend Minimum School Program
1509 funds for programs and activities for which the state board has established minimum standards
1510 or rules under Section [53E-3-501](#).

1511 (3) (a) A local school board may purchase, sell, and make improvements on school
1512 sites, buildings, and equipment, and construct, erect, and furnish school buildings.

1513 (b) School sites or buildings may only be conveyed or sold on local school board
1514 resolution affirmed by at least two-thirds of the school board members.

1515 (4) (a) A local school board may participate in the joint construction or operation of a

1516 school attended by students residing within the district and students residing in other districts
1517 either within or outside the state.

1518 (b) Any agreement for the joint operation or construction of a school shall:

1519 (i) be signed by the president of the local school board of each participating district;

1520 (ii) include a mutually agreed upon pro rata cost; and

1521 (iii) be filed with the state board.

1522 (5) A local school board may establish, locate, and maintain elementary, secondary,
1523 and applied technology schools.

1524 (6) A local school board may enter into cooperative agreements with other local school
1525 boards to provide educational services that best utilize resources for the overall operation of the
1526 school districts, including shared transportation services.

1527 (7) ~~Each~~ Each local school board shall ensure than an agreement under Subsection (6)
1528 ~~shall~~:

1529 (a) ~~be~~ is signed by the president of the local school board of each participating
1530 district;

1531 (b) ~~specify~~ specifies the resource being shared;

1532 (c) ~~include~~ includes a mutually agreed upon pro rata cost;

1533 (d) ~~include~~ includes the duration of the agreement; and

1534 (e) ~~be~~ is filed with the state board.

1535 (8) Except as provided in Section [53E-3-905](#), a local school board may enroll children
1536 in school who are at least five years old before September 2 of the year in which admission is
1537 sought.

1538 (9) A local school board:

1539 (a) may establish and support school libraries; and

1540 (b) shall provide an online platform:

1541 (i) through which a parent is able to view the title, author, and a description of any
1542 material the parent's child borrows from the school library, including a history of borrowed
1543 materials, either using an existing online platform that the LEA uses or through a separate
1544 platform; and

1545 (ii) (A) for a school district with 1,000 or more enrolled students, no later than August
1546 1, 2024; and

1547 (B) for a school district with fewer than 1,000 enrolled students, no later than August
1548 1, 2026.

1549 (10) A local school board may collect damages for the loss, injury, or destruction of
1550 school property.

1551 (11) A local school board may authorize guidance and counseling services for students
1552 and the student's parents before, during, or following school enrollment.

1553 (12) (a) A local school board shall administer and implement federal educational
1554 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National
1555 Education Programs.

1556 (b) Federal funds are not considered funds within the school district budget under
1557 Chapter 7, Part 3, Budgets.

1558 (13) (a) A local school board may organize school safety patrols and adopt policies
1559 under which the patrols promote student safety.

1560 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
1561 parental consent for the appointment.

1562 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
1563 of a highway intended for vehicular traffic use.

1564 (d) Liability may not attach to a school district, its employees, officers, or agents, or to
1565 a safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
1566 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

1567 (14) (a) A local school board may on its own behalf, or on behalf of an educational
1568 institution for which the local school board is the direct governing body, accept private grants,
1569 loans, gifts, endowments, devises, or bequests that are made for educational purposes.

1570 (b) The contributions made under Subsection (14)(a) are not subject to appropriation
1571 by the Legislature.

1572 (15) (a) A local school board may appoint and fix the compensation of a compliance
1573 officer to issue citations for violations of Subsection 76-10-105(2)(b).

1574 (b) A person may not be appointed to serve as a compliance officer without the
1575 person's consent.

1576 (c) A teacher or student may not be appointed as a compliance officer.

1577 (16) A local school board shall adopt bylaws and policies for the local school board's

1578 own procedures.

1579 (17) (a) A local school board shall make and enforce policies necessary for the control
1580 and management of the district schools.

1581 (b) Local school board policies shall be in writing, filed, and referenced for public
1582 access.

1583 (18) A local school board may hold school on legal holidays other than Sundays.

1584 (19) (a) A local school board shall establish for each school year a school traffic safety
1585 committee to implement this Subsection (19).

1586 (b) The committee shall be composed of one representative of:

1587 (i) the schools within the district;

1588 (ii) the Parent Teachers' Association of the schools within the district;

1589 (iii) the municipality or county;

1590 (iv) state or local law enforcement; and

1591 (v) state or local traffic safety engineering.

1592 (c) The committee shall:

1593 (i) receive suggestions from school community councils, parents, teachers, and others,
1594 and recommend school traffic safety improvements, boundary changes to enhance safety, and
1595 school traffic safety program measures;

1596 (ii) review and submit annually to the Department of Transportation and affected
1597 municipalities and counties a child access routing plan for each elementary, middle, and junior
1598 high school within the district;

1599 (iii) ~~consult~~ in consultation with the Utah Safety Council and the Division of Family
1600 Health Services ~~and~~, provide training to all students in kindergarten through grade 6, within
1601 the district, on school crossing safety and use; and

1602 (iv) help ensure the district's compliance with rules made by the Department of
1603 Transportation under Section [41-6a-303](#).

1604 (d) The committee may establish subcommittees as needed to assist in accomplishing
1605 the committee's duties under Subsection (19)(c).

1606 (20) (a) A local school board shall adopt and implement a comprehensive emergency
1607 response plan to prevent and combat violence in the local school board's public schools, on
1608 school grounds, on ~~its~~ school vehicles, and in connection with school-related activities or

- 1609 events.
- 1610 (b) The local school board shall ensure that the plan ~~[shall]~~:
- 1611 (i) ~~[include]~~ includes prevention, intervention, and response components;
- 1612 (ii) ~~[be]~~ is consistent with the ~~[student conduct and discipline policies]~~ student
- 1613 discipline and conduct policies required for school districts under ~~[Chapter 11, Part 2,~~
- 1614 ~~Miscellaneous Requirements]~~ Chapter 8, Part 2, School Discipline and Conduct Plans;
- 1615 (iii) ~~[require]~~ requires professional learning for all district and school building staff on
- 1616 the staff's roles in the emergency response plan;
- 1617 (iv) ~~[provide]~~ provides for coordination with local law enforcement and other public
- 1618 safety representatives in preventing, intervening, and responding to violence in the areas and
- 1619 activities referred to in Subsection (20)(a); and
- 1620 (v) ~~[include]~~ includes procedures to notify a student who is off campus at the time of a
- 1621 school violence emergency because the student is:
- 1622 (A) participating in a school-related activity; or
- 1623 (B) excused from school for a period of time during the regular school day to
- 1624 participate in religious instruction at the request of the student's parent.
- 1625 (c) The state board, through the state superintendent, shall develop comprehensive
- 1626 emergency response plan models that local school boards may use, where appropriate, to
- 1627 comply with Subsection (20)(a).
- 1628 (d) A local school board shall, by July 1 of each year, certify to the state board that its
- 1629 plan has been practiced at the school level and presented to and reviewed by its teachers,
- 1630 administrators, students, and the student's parents and local law enforcement and public safety
- 1631 representatives.
- 1632 (21) (a) A local school board may adopt an emergency response plan for the treatment
- 1633 of sports-related injuries that occur during school sports practices and events.
- 1634 (b) The plan may be implemented by each secondary school in the district that has a
- 1635 sports program for students.
- 1636 (c) The plan may:
- 1637 (i) include emergency personnel, emergency communication, and emergency
- 1638 equipment components;
- 1639 (ii) require professional learning on the emergency response plan for school personnel

1640 who are involved in sports programs in the district's secondary schools; and
1641 (iii) provide for coordination with individuals and agency representatives who:
1642 (A) are not employees of the school district; and
1643 (B) would be involved in providing emergency services to students injured while
1644 participating in sports events.
1645 (d) The local school board, in collaboration with the schools referred to in Subsection
1646 (21)(b), may review the plan each year and make revisions when required to improve or
1647 enhance the plan.
1648 (e) The state board, through the state superintendent, shall provide local school boards
1649 with an emergency plan response model that local school boards may use to comply with the
1650 requirements of this Subsection (21).
1651 (22) A local school board shall do all other things necessary for the maintenance,
1652 prosperity, and success of the schools and the promotion of education.
1653 (23) (a) Before closing a school or changing the boundaries of a school, a local school
1654 board shall:
1655 (i) perform a feasibility study to determine:
1656 (A) options to avoid closing a school or changing the boundaries of a school;
1657 (B) the projected impact on affected students' test scores;
1658 (C) the number of affected Title I students;
1659 (D) the likelihood of parental and teacher support; and
1660 (E) the projected class sizes for the affected districts;
1661 (ii) [at least 90] after conducting a feasibility study, and on or before 180 days before
1662 [approving] the day on which the local school board approves the school closure or school
1663 boundary change, provide notice that the local school board is considering the closure or
1664 boundary change to:
1665 (A) parents of students enrolled in the school, using the same form of communication
1666 the local school board regularly uses to communicate with parents;
1667 (B) parents of students enrolled in other schools within the school district that may be
1668 affected by the closure or boundary change, using the same form of communication the local
1669 school board regularly uses to communicate with parents; and
1670 (C) the governing council and the mayor of the municipality in which the school is

1671 located;

1672 ~~[(ii) provide an opportunity for public comment on the proposed school closure or~~
 1673 ~~school boundary change during at least two public local school board meetings; and]~~

1674 (iii) publish the feasibility study described in Subsection (23)(a)(i) on the school
 1675 district website;

1676 (iv) provide a copy of the feasibility study described in Subsection (23)(a)(i) to the
 1677 governing council and the mayor of the municipality in which the proposed school closure or
 1678 school boundary changes is located; and

1679 ~~[(iii)]~~ (v) hold ~~[a public hearing]~~ at least two public hearings, as defined in Section
 1680 10-9a-103, and provide:

1681 (A) public notice of the public ~~[hearing as described in]~~ hearings, in accordance with
 1682 Subsection (23)(b)[-]; and

1683 (B) an opportunity for public comment on the feasibility study and the proposed school
 1684 closure or school boundary change.

1685 (b) ~~[The]~~ A local school board shall:

1686 (i) ensure that the notice of [a public hearing] public hearings required under
 1687 Subsection [(23)(a)(iii) shall: (i) indicate] (23)(a)(v) indicates the:

1688 (A) school or schools under consideration for closure or boundary change; and
 1689 (B) the date, time, and location of the public ~~[hearing]~~ hearings;

1690 (ii) ~~[for]~~ at least 10 days before the day ~~[of the public hearing, be published]~~ on which
 1691 each public hearing occurs, publish the notice of the public hearing for the school district in
 1692 which the school is located, as a class A notice under Section 63G-30-102; and

1693 (iii) at least 30 days before the ~~[public hearing described in Subsection (23)(a)(iii), be~~
 1694 ~~provided as described in Subsections (23)(a)(i)]~~ day on which the public hearings occur,
 1695 provide notice of the hearings in the same manner as the notice of consideration under
 1696 Subsections (23)(a)(ii) and (v).

1697 (c) An inadequacy of a feasibility study under Subsection (23)(a)(i) may not be the
 1698 basis of a legal action or other challenge to:

1699 (i) an election for voter approval of the creation of a new school district; or
 1700 (ii) the creation of the new school district.

1701 (24) A local school board may implement a facility energy efficiency program

1702 established under Title 11, Chapter 44, Performance Efficiency Act.

1703 (25) A local school board may establish or partner with a certified youth court in
1704 accordance with Section 80-6-902 or establish or partner with a comparable restorative justice
1705 program, in coordination with schools in that district. A school may refer a student to a youth
1706 court or a comparable restorative justice program in accordance with Section 53G-8-211.

1707 (26) (a) As used in this Subsection (26):

1708 (i) "Learning material" means any learning material or resource used to deliver or
1709 support a student's learning, including textbooks, reading materials, videos, digital materials,
1710 websites, and other online applications.

1711 (ii) (A) "Instructional material" means learning material that a local school board
1712 adopts and approves for use within the LEA.

1713 (B) "Instructional material" does not include learning material used in a concurrent
1714 enrollment, advanced placement, or international baccalaureate program or class or another
1715 class with required instructional material that is not subject to selection by the local school
1716 board.

1717 (iii) "Supplemental material" means learning material that:

1718 (A) an educator selects for classroom use; and

1719 (B) a local school board has not considered and adopted, approved, or prohibited for
1720 classroom use within the LEA.

1721 (b) A local school board shall:

1722 (i) make instructional material that the school district uses readily accessible and
1723 available for a parent to view;

1724 (ii) annually notify a parent of a student enrolled in the school district of how to access
1725 the information described in Subsection (26)(b)(i); and

1726 (iii) include on the school district's website information about how to access the
1727 information described in Subsection (26)(b)(i).

1728 (c) In selecting and approving instructional materials for use in the classroom, a local
1729 school board shall:

1730 (i) establish an open process, involving educators and parents of students enrolled in
1731 the LEA, to review and recommend instructional materials for board approval; and

1732 (ii) ensure that under the process described in Subsection (26)(c)(i), the board:

1733 (A) before the meetings described in Subsection (26)(c)(ii)(B), posts the recommended
1734 learning material online to allow for public review or, for copyrighted material, makes the
1735 recommended learning material available at the LEA for public review;

1736 (B) before adopting or approving the recommended instructional materials, holds at
1737 least two public meetings on the recommendation that provides an opportunity for educators
1738 whom the LEA employs and parents of students enrolled in the LEA to express views and
1739 opinions on the recommendation; and

1740 (C) adopts or approves the recommended instructional materials in an open and regular
1741 board meeting.

1742 (d) A local school board shall adopt a supplemental materials policy that provides
1743 flexible guidance to educators on the selection of supplemental materials or resources that an
1744 educator reviews and selects for classroom use using the educator's professional judgment,
1745 including whether any process or permission is required before classroom use of the materials
1746 or resources.

1747 (e) If an LEA contracts with another party to provide online or digital materials, the
1748 LEA shall include in the contract a requirement that the provider give notice to the LEA any
1749 time that the provider makes a material change to the content of the online or digital materials,
1750 excluding regular informational updates on current events.

1751 (f) Nothing in this Subsection (26) requires a local school board to review all learning
1752 materials used within the LEA.

1753 Section 18. **Effective date.**

1754 This bill takes effect on May 1, 2024.