

PUBLIC EDUCATION DEFINITIONS COORDINATION

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Ann Millner

LONG TITLE

Committee Note:

The Education Interim Committee recommended this bill.

General Description:

This bill amends provisions in the public education code related to defined terms.

Highlighted Provisions:

This bill:

- defines terms;
- amends provisions in Title 53G, Public Education System -- Local Administration, to use and conform with defined terms in coordination with 2019FL-0374, Public Education Definitions Amendments;
- amends other provisions in the public education code related to defined terms; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides revisor instructions.

Utah Code Sections Affected:

AMENDS:

53G-3-202, as last amended by Laws of Utah 2018, Chapter 256 and renumbered and amended by Laws of Utah 2018, Chapter 3



28 **53G-3-301**, as renumbered and amended by Laws of Utah 2018, Chapter 3
29 **53G-3-302**, as renumbered and amended by Laws of Utah 2018, Chapter 3
30 **53G-3-305**, as renumbered and amended by Laws of Utah 2018, Chapter 3
31 **53G-3-306**, as renumbered and amended by Laws of Utah 2018, Chapter 3
32 **53G-3-307**, as renumbered and amended by Laws of Utah 2018, Chapter 3
33 **53G-3-308**, as renumbered and amended by Laws of Utah 2018, Chapter 3
34 **53G-3-401**, as renumbered and amended by Laws of Utah 2018, Chapter 3
35 **53G-3-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
36 **53G-3-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
37 **53G-3-501**, as renumbered and amended by Laws of Utah 2018, Chapter 3
38 **53G-3-502**, as renumbered and amended by Laws of Utah 2018, Chapter 3
39 **53G-3-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
40 **53G-4-201**, as renumbered and amended by Laws of Utah 2018, Chapter 3
41 **53G-4-202**, as renumbered and amended by Laws of Utah 2018, Chapter 3
42 **53G-4-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
43 **53G-4-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3
44 **53G-4-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
45 **53G-4-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
46 **53G-4-304**, as renumbered and amended by Laws of Utah 2018, Chapter 3
47 **53G-4-401**, as renumbered and amended by Laws of Utah 2018, Chapter 3
48 **53G-4-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
49 **53G-4-403**, as renumbered and amended by Laws of Utah 2018, Chapter 3
50 **53G-4-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
51 **53G-4-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3
52 **53G-4-406**, as renumbered and amended by Laws of Utah 2018, Chapter 3
53 **53G-4-409**, as renumbered and amended by Laws of Utah 2018, Chapter 3
54 **53G-4-410**, as renumbered and amended by Laws of Utah 2018, Chapter 3
55 **53G-4-502**, as renumbered and amended by Laws of Utah 2018, Chapter 3
56 **53G-4-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
57 **53G-4-602**, as renumbered and amended by Laws of Utah 2018, Chapter 3
58 **53G-4-604**, as renumbered and amended by Laws of Utah 2018, Chapter 3

59 **53G-4-605**, as renumbered and amended by Laws of Utah 2018, Chapter 3
60 **53G-4-606**, as renumbered and amended by Laws of Utah 2018, Chapter 3
61 **53G-4-801**, as renumbered and amended by Laws of Utah 2018, Chapter 3
62 **53G-4-802**, as renumbered and amended by Laws of Utah 2018, Chapter 3
63 **53G-4-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3
64 **53G-4-804**, as renumbered and amended by Laws of Utah 2018, Chapter 3
65 **53G-4-805**, as renumbered and amended by Laws of Utah 2018, Chapter 3
66 **53G-4-806**, as renumbered and amended by Laws of Utah 2018, Chapter 3
67 **53G-4-807**, as renumbered and amended by Laws of Utah 2018, Chapter 3
68 **53G-4-1003**, as renumbered and amended by Laws of Utah 2018, Chapter 3
69 **53G-4-1004**, as renumbered and amended by Laws of Utah 2018, Chapter 3
70 **53G-4-1006**, as renumbered and amended by Laws of Utah 2018, Chapter 3
71 **53G-5-102**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and
72 amended by Laws of Utah 2018, Chapter 3
73 **53G-5-201**, as last amended by Laws of Utah 2018, Chapters 293, 383 and renumbered
74 and amended by Laws of Utah 2018, Chapter 3
75 **53G-5-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
76 **53G-5-205**, as enacted by Laws of Utah 2018, Chapter 383
77 **53G-5-301**, as renumbered and amended by Laws of Utah 2018, Chapter 3
78 **53G-5-302**, as last amended by Laws of Utah 2018, Chapters 154, 383 and renumbered
79 and amended by Laws of Utah 2018, Chapter 3
80 **53G-5-303**, as last amended by Laws of Utah 2018, Chapter 211 and renumbered and
81 amended by Laws of Utah 2018, Chapter 3
82 **53G-5-304**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and
83 amended by Laws of Utah 2018, Chapter 3
84 **53G-5-305**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and
85 amended by Laws of Utah 2018, Chapter 3
86 **53G-5-306**, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and
87 amended by Laws of Utah 2018, Chapter 3
88 **53G-5-403**, as renumbered and amended by Laws of Utah 2018, Chapter 3
89 **53G-5-404**, as last amended by Laws of Utah 2018, Chapter 256 and renumbered and

amended by Laws of Utah 2018, Chapter 3

53G-5-405, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-5-406, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-5-407, as last amended by Laws of Utah 2018, Chapters 22, 154 and renumbered and amended by Laws of Utah 2018, Chapter 3

53G-5-408, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-5-409, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and amended by Laws of Utah 2018, Chapter 3

53G-5-410, as last amended by Laws of Utah 2018, Chapter 448

53G-5-411, as enacted by Laws of Utah 2018, Chapter 3

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53G-5-502, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and amended by Laws of Utah 2018, Chapter 3

53G-5-503, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and amended by Laws of Utah 2018, Chapter 3

53G-5-504, as last amended by Laws of Utah 2018, Chapter 383 and renumbered and amended by Laws of Utah 2018, Chapter 3

53G-5-505, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-5-602, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-6-201, as last amended by Laws of Utah 2018, Chapter 69 and renumbered and amended by Laws of Utah 2018, Chapter 3

53G-6-202, as last amended by Laws of Utah 2018, Chapter 285 and renumbered and amended by Laws of Utah 2018, Chapter 3

53G-6-203, as renumbered and amended by Laws of Utah 2018, Chapter 3

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53G-6-206, as renumbered and amended by Laws of Utah 2018, Chapter 3

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53G-6-209, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-6-302, as last amended by Laws of Utah 2018, Chapter 64 and renumbered and

121 amended by Laws of Utah 2018, Chapter 3
122 **53G-6-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
123 **53G-6-305**, as renumbered and amended by Laws of Utah 2018, Chapter 3
124 **53G-6-306**, as renumbered and amended by Laws of Utah 2018, Chapter 3
125 **53G-6-401**, as renumbered and amended by Laws of Utah 2018, Chapter 3
126 **53G-6-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
127 **53G-6-403**, as last amended by Laws of Utah 2018, Chapter 429 and renumbered and
128 amended by Laws of Utah 2018, Chapter 3
129 **53G-6-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
130 **53G-6-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3
131 **53G-6-406**, as renumbered and amended by Laws of Utah 2018, Chapter 3
132 **53G-6-407**, as renumbered and amended by Laws of Utah 2018, Chapter 3
133 **53G-6-501**, as enacted by Laws of Utah 2018, Chapter 3
134 **53G-6-502**, as last amended by Laws of Utah 2018, Chapter 380 and renumbered and
135 amended by Laws of Utah 2018, Chapter 3
136 **53G-6-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
137 **53G-6-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3
138 **53G-6-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3
139 **53G-6-703**, as renumbered and amended by Laws of Utah 2018, Chapter 3
140 **53G-6-704**, as renumbered and amended by Laws of Utah 2018, Chapter 3
141 **53G-6-705**, as last amended by Laws of Utah 2018, Chapter 456 and renumbered and
142 amended by Laws of Utah 2018, Chapter 3
143 **53G-6-706**, as renumbered and amended by Laws of Utah 2018, Chapter 3
144 **53G-6-707**, as renumbered and amended by Laws of Utah 2018, Chapter 3
145 **53G-6-708**, as renumbered and amended by Laws of Utah 2018, Chapter 3
146 **53G-6-801**, as renumbered and amended by Laws of Utah 2018, Chapter 3
147 **53G-6-802**, as renumbered and amended by Laws of Utah 2018, Chapter 3
148 **53G-6-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3
149 **53G-7-202**, as enacted by Laws of Utah 2018, Chapter 3
150 **53G-7-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
151 **53G-7-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3

152 **53G-7-206**, as renumbered and amended by Laws of Utah 2018, Chapter 3
153 **53G-7-208**, as renumbered and amended by Laws of Utah 2018, Chapter 3
154 **53G-7-213**, as renumbered and amended by Laws of Utah 2018, Chapter 3
155 **53G-7-214**, as last amended by Laws of Utah 2018, Chapter 39 and renumbered and
156 amended by Laws of Utah 2018, Chapter 3
157 **53G-7-215**, as renumbered and amended by Laws of Utah 2018, Chapter 3
158 **53G-7-302**, as renumbered and amended by Laws of Utah 2018, Chapter 3
159 **53G-7-303**, as last amended by Laws of Utah 2018, Chapter 101 and renumbered and
160 amended by Laws of Utah 2018, Chapter 3
161 **53G-7-304**, as renumbered and amended by Laws of Utah 2018, Chapter 3
162 **53G-7-305**, as renumbered and amended by Laws of Utah 2018, Chapter 3
163 **53G-7-306**, as renumbered and amended by Laws of Utah 2018, Chapter 3
164 **53G-7-307**, as renumbered and amended by Laws of Utah 2018, Chapter 3
165 **53G-7-309**, as renumbered and amended by Laws of Utah 2018, Chapter 3
166 **53G-7-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
167 **53G-7-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
168 **53G-7-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3
169 **53G-7-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3
170 **53G-7-602**, as renumbered and amended by Laws of Utah 2018, Chapter 3
171 **53G-7-603**, as renumbered and amended by Laws of Utah 2018, Chapter 3
172 **53G-7-604**, as renumbered and amended by Laws of Utah 2018, Chapter 3
173 **53G-7-605**, as renumbered and amended by Laws of Utah 2018, Chapter 3
174 **53G-7-606**, as renumbered and amended by Laws of Utah 2018, Chapter 3
175 **53G-7-701**, as renumbered and amended by Laws of Utah 2018, Chapter 3
176 **53G-7-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3
177 **53G-7-703**, as renumbered and amended by Laws of Utah 2018, Chapter 3
178 **53G-7-704**, as renumbered and amended by Laws of Utah 2018, Chapter 3
179 **53G-7-705**, as renumbered and amended by Laws of Utah 2018, Chapter 3
180 **53G-7-707**, as renumbered and amended by Laws of Utah 2018, Chapter 3
181 **53G-7-708**, as renumbered and amended by Laws of Utah 2018, Chapter 3
182 **53G-7-709**, as renumbered and amended by Laws of Utah 2018, Chapter 3

183 **53G-7-711**, as renumbered and amended by Laws of Utah 2018, Chapter 3
184 **53G-7-712**, as renumbered and amended by Laws of Utah 2018, Chapter 3
185 **53G-7-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3
186 **53G-7-901**, as renumbered and amended by Laws of Utah 2018, Chapter 3
187 **53G-7-902**, as renumbered and amended by Laws of Utah 2018, Chapter 3
188 **53G-7-1004**, as renumbered and amended by Laws of Utah 2018, Chapter 3
189 **53G-7-1101**, as renumbered and amended by Laws of Utah 2018, Chapter 3
190 **53G-7-1103**, as renumbered and amended by Laws of Utah 2018, Chapter 3
191 **53G-7-1104**, as renumbered and amended by Laws of Utah 2018, Chapter 3
192 **53G-7-1105**, as renumbered and amended by Laws of Utah 2018, Chapter 3
193 **53G-7-1106**, as renumbered and amended by Laws of Utah 2018, Chapter 3
194 **53G-7-1202**, as last amended by Laws of Utah 2018, Chapters 107 and 448
195 **53G-7-1203**, as last amended by Laws of Utah 2018, Chapter 448
196 **53G-7-1205**, as enacted by Laws of Utah 2018, Chapter 448
197 **53G-7-1206**, as enacted by Laws of Utah 2018, Chapter 448
198 **53G-8-202**, as renumbered and amended by Laws of Utah 2018, Chapter 3
199 **53G-8-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
200 **53G-8-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3
201 **53G-8-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
202 **53G-8-206**, as renumbered and amended by Laws of Utah 2018, Chapter 3
203 **53G-8-207**, as renumbered and amended by Laws of Utah 2018, Chapter 3
204 **53G-8-208**, as renumbered and amended by Laws of Utah 2018, Chapter 3
205 **53G-8-209**, as renumbered and amended by Laws of Utah 2018, Chapter 3
206 **53G-8-210**, as renumbered and amended by Laws of Utah 2018, Chapter 3
207 **53G-8-211**, as last amended by Laws of Utah 2018, Chapter 117 and renumbered and
208 amended by Laws of Utah 2018, Chapter 3
209 **53G-8-212**, as renumbered and amended by Laws of Utah 2018, Chapter 3
210 **53G-8-302**, as renumbered and amended by Laws of Utah 2018, Chapter 3
211 **53G-8-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
212 **53G-8-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
213 **53G-8-509**, as renumbered and amended by Laws of Utah 2018, Chapter 3

214 **53G-8-604**, as renumbered and amended by Laws of Utah 2018, Chapter 3
215 **53G-8-701**, as renumbered and amended by Laws of Utah 2018, Chapter 3
216 **53G-8-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3
217 **53G-8-703**, as renumbered and amended by Laws of Utah 2018, Chapter 3
218 **53G-9-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
219 **53G-9-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
220 **53G-9-206**, as renumbered and amended by Laws of Utah 2018, Chapter 3
221 **53G-9-207**, as last amended by Laws of Utah 2018, Chapter 209 and renumbered and
222 amended by Laws of Utah 2018, Chapter 3
223 **53G-9-208**, as renumbered and amended by Laws of Utah 2018, Chapter 3
224 **53G-9-301**, as renumbered and amended by Laws of Utah 2018, Chapter 3
225 **53G-9-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
226 **53G-9-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
227 **53G-9-502**, as renumbered and amended by Laws of Utah 2018, Chapter 3
228 **53G-9-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
229 **53G-9-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3
230 **53G-9-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3
231 **53G-9-506**, as renumbered and amended by Laws of Utah 2018, Chapter 3
232 **53G-9-601**, as renumbered and amended by Laws of Utah 2018, Chapter 3
233 **53G-9-604**, as renumbered and amended by Laws of Utah 2018, Chapter 3
234 **53G-9-605**, as renumbered and amended by Laws of Utah 2018, Chapter 3
235 **53G-9-606**, as renumbered and amended by Laws of Utah 2018, Chapter 3
236 **53G-9-607**, as renumbered and amended by Laws of Utah 2018, Chapter 3
237 **53G-9-702**, as last amended by Laws of Utah 2018, Chapter 414 and renumbered and
238 amended by Laws of Utah 2018, Chapter 3
239 **53G-9-703**, as renumbered and amended by Laws of Utah 2018, Chapter 3
240 **53G-9-704**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
241 amended by Laws of Utah 2018, Chapter 3
242 **53G-9-801**, as renumbered and amended by Laws of Utah 2018, Chapter 3
243 **53G-9-802**, as renumbered and amended by Laws of Utah 2018, Chapter 3
244 **53G-9-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3

245 **53G-10-202**, as renumbered and amended by Laws of Utah 2018, Chapter 3
246 **53G-10-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3
247 **53G-10-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
248 **53G-10-302**, as renumbered and amended by Laws of Utah 2018, Chapter 3
249 **53G-10-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
250 **53G-10-304**, as renumbered and amended by Laws of Utah 2018, Chapter 3
251 **53G-10-305**, as enacted by Laws of Utah 2018, Chapter 3
252 **53G-10-402**, as last amended by Laws of Utah 2018, Chapter 224 and renumbered and
253 amended by Laws of Utah 2018, Chapter 3
254 **53G-10-403**, as enacted by Laws of Utah 2018, Chapter 3
255 **53G-10-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3
256 **53G-10-406**, as last amended by Laws of Utah 2018, Chapter 249 and renumbered and
257 amended by Laws of Utah 2018, Chapter 3
258 **53G-10-501**, as enacted by Laws of Utah 2018, Chapter 3
259 **53G-10-502**, as last amended by Laws of Utah 2018, Chapter 233 and renumbered and
260 amended by Laws of Utah 2018, Chapter 3
261 **53G-10-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
262 **53G-10-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3
263 **53G-10-506**, as renumbered and amended by Laws of Utah 2018, Chapter 3
264 **53G-10-507**, as renumbered and amended by Laws of Utah 2018, Chapter 3
265 **53G-10-508**, as renumbered and amended by Laws of Utah 2018, Chapter 3
266 **53G-11-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
267 **53G-11-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
268 **53G-11-207**, as renumbered and amended by Laws of Utah 2018, Chapter 3
269 **53G-11-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
270 **53G-11-401**, as renumbered and amended by Laws of Utah 2018, Chapter 3
271 **53G-11-403**, as renumbered and amended by Laws of Utah 2018, Chapter 3
272 **53G-11-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
273 **53G-11-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3
274 **53G-11-406**, as renumbered and amended by Laws of Utah 2018, Chapter 3
275 **53G-11-407**, as renumbered and amended by Laws of Utah 2018, Chapter 3

276 **53G-11-408**, as renumbered and amended by Laws of Utah 2018, Chapter 3
277 **53G-11-501**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
278 amended by Laws of Utah 2018, Chapter 3
279 **53G-11-501.5**, as renumbered and amended by Laws of Utah 2018, Chapter 3
280 **53G-11-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3
281 **53G-11-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3
282 **53G-11-506**, as renumbered and amended by Laws of Utah 2018, Chapter 3
283 **53G-11-507**, as renumbered and amended by Laws of Utah 2018, Chapter 3
284 **53G-11-508**, as renumbered and amended by Laws of Utah 2018, Chapter 3
285 **53G-11-510**, as renumbered and amended by Laws of Utah 2018, Chapter 3
286 **53G-11-511**, as renumbered and amended by Laws of Utah 2018, Chapter 3
287 **53G-11-512**, as renumbered and amended by Laws of Utah 2018, Chapter 3
288 **53G-11-518**, as renumbered and amended by Laws of Utah 2018, Chapter 3
289 **63G-2-302**, as last amended by Laws of Utah 2018, Chapters 206, 281, 415, and 461
290 **63J-1-220**, as last amended by Laws of Utah 2018, Chapters 415 and 456

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

293 Section 1. Section **53G-3-202** is amended to read:

294 **53G-3-202. School districts independent of municipal and county governments --**
295 **School district name -- Control of property.**

296 (1) (a) Each school district shall be controlled by its [~~board of education~~] local school
297 board and shall be independent of municipal and county governments.

298 (b) The name of each school district created after May 1, 2000, shall comply with
299 Subsection **17-50-103(2)(a)**.

300 (2) The local school board shall have direction and control of all school property in the
301 district.

302 (3) (a) Each school district shall register and maintain the school district's registration
303 as a limited purpose entity, in accordance with Section **67-1a-15**.

304 (b) A school district that fails to comply with Subsection (3)(a) or Section **67-1a-15** is
305 subject to enforcement by the state auditor, in accordance with Section **67-3-1**.

306 Section 2. Section **53G-3-301** is amended to read:

53G-3-301. Creation of new school district -- Initiation of process -- Procedures to be followed.

(1) A new school district may be created from one or more existing school districts, as provided in this section.

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

(a) through a citizens' initiative petition;

(b) at the request of the local school board of the existing district or districts to be affected by the creation of the new district; or

(c) at the request of a city within the boundaries of the school district or at the request of interlocal agreement participants, pursuant to Section 53G-3-302.

(3) (a) An initiative petition submitted under Subsection (2)(a) shall be signed by qualified electors residing within the geographical boundaries of the proposed new school district in an amount equal to at least 15% of all votes cast within the geographic boundaries of the proposed new school district for all candidates for president of the United States at the last regular general election at which a president of the United States was elected.

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

(i) be filed with the clerk of each county in which any part of the proposed new school district is located;

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

(iii) describe the proposed new school district boundaries; and

(iv) designate up to five signers of the petition or request as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each.

(c) The process described in Subsection (2)(a) may only be initiated once during any four-year period.

(d) A new district may not be formed under Subsection (2) if the student population of the proposed new district is less than 3,000 or the existing district's student population would be less than 3,000 because of the creation of the new school district.

(4) A signer of a petition described in Subsection (2)(a) may withdraw or, once withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing

a written request for withdrawal or reinstatement with the county clerk.

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

(a) determine whether the request or petition complies with Subsections (2) and (3), as applicable; and

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

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

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

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

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

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

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

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

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

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

(iii) if the legislative body of each county with which a request or petition is filed approves a proposal to create a new district, each legislative body shall submit the proposal to the respective county clerk to be voted on by the electors of each existing district at the regular

general or municipal general election held in November.

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

(b) The advisory committee shall:

(i) seek input from:

(A) those requesting the creation of the new school district;

(B) the local school board and school personnel of each existing school district;

(C) those citizens residing within the geographical boundaries of each existing school district;

(D) the [~~State Board of Education~~] state board; and

(E) other interested parties;

(ii) review data and gather information on at least:

(A) the financial viability of the proposed new school district;

(B) the proposal's financial impact on each existing school district;

(C) the exact placement of school district boundaries; and

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

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

(8) For a request or petition submitted under Subsection (2)(a) or (b):

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

(b) Within 14 days after the end of the comment period, the legislative body of each county with which a request or petition is filed shall vote on the creation of the proposed new school district.

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

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

(i) by the legal voters of each existing school district affected by the proposal;
(ii) in accordance with the procedures and requirements applicable to a regular general election under Title 20A, Election Code; and

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

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

(f) Each county legislative body shall comply with the requirements of Section 53G-3-203.

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

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

(i) by the legal voters residing within the proposed new school district boundaries;
(ii) in accordance with the procedures and requirements applicable to a regular general election under Title 20A, Election Code; and
(iii) at the next regular general election or municipal general election, whichever is first.

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

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

(B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5, the new district is created.

(ii) Notwithstanding the creation of a new district as provided in Subsection (9)(b)(i)(B):

(A) a new school district may not begin to provide educational services to the area

within the new district until July 1 of the second calendar year following the local school board general election date described in Subsection 53G-3-302(3)(a)(i);

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

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

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

53G-3-302. Proposal initiated by a city or by interlocal agreement participants to create a school district -- Boundaries -- Election of local school board members -- Allocation of assets and liabilities -- Startup costs -- Transfer of title.

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

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

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

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

(B) the creation of the new school district.

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

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

(A) the interlocal agreement participants conduct a feasibility study prior to submitting the proposal to the county;

(B) the combined population within the proposed new school district boundaries is at least 50,000;

(C) the new school district boundaries:

(I) are contiguous;

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

(III) include the entire boundaries of each participant city or town, except as provided in Subsection (2)(d)(ii); and

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

(D) the combined population within the proposed new school district of interlocal agreement participants that have entered into an interlocal agreement proposing to create a new school district is at least 80% of the total population of the proposed new school district.

(ii) The determination of all matters relating to the scope, adequacy, and other aspects of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new feasibility study or revise a previous feasibility study due to a change in the proposed new school district boundaries, is within the exclusive discretion of the legislative bodies of the interlocal agreement participants that enter into an interlocal agreement to submit for voter approval a measure to create a new school district.

(iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the basis of a legal action or other challenge to:

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

(B) the creation of the new school district.

(iv) For purposes of determining whether the boundaries of a proposed new school district cross county lines under Subsection (2)(b)(i)(C)(IV):

(A) a municipality located in more than one county and entirely within the boundaries of a single school district is considered to be entirely within the same county as other participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's land area and population is located in that same county than outside the county; and

(B) a municipality located in more than one county that participates in an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area within the

municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may not be considered to cross county lines.

(c) (i) A county may only participate in an interlocal agreement under this Subsection (2) for the unincorporated areas of the county.

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

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

(B) a portion of the unincorporated area of a county, including a portion of a township.

(d) (i) As used in this Subsection (2)(d):

(A) "Isolated area" means an area that:

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

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

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

(ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area within the municipality's boundaries if:

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

(B) (I) the portion of the municipality proposed to be included in the new school district is within the boundaries of the same school district that includes the other interlocal agreement participants; and

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

(iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school district may be submitted for voter approval pursuant to an interlocal agreement under Subsection (2)(a), even though the new school district boundaries would create an isolated area, if:

524 (I) the potential isolated area is contiguous to one or more of the interlocal agreement
525 participants;

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

530 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the
531 municipality has not entered into an interlocal agreement as requested in the request.

532 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold
533 one or more public hearings to allow input from the public and affected school districts
534 regarding whether or not the municipality should enter into an interlocal agreement with
535 respect to the potential isolated area.

536 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

537 (Aa) a new school district is created under this section after a measure is submitted to
538 voters based on the authority of Subsection (2)(d)(iii)(A); and

539 (Bb) the creation of the new school district results in an isolated area.

540 (II) The isolated area shall, on July 1 of the second calendar year following the local
541 school board general election date described in Subsection (3)(a)(i), become part of the
542 municipality's school district.

543 (III) Unless the isolated area is the only remaining part of the existing district, the
544 process described in Subsection (4) shall be modified to:

545 (Aa) include a third transition team, appointed by the local school board of the
546 municipality's school district, to represent that school district; and

547 (Bb) require allocation of the existing district's assets and liabilities among the new
548 district, the remaining district, and the municipality's school district.

549 (IV) The existing district shall continue to provide educational services to the isolated
550 area until July 1 of the second calendar year following the local school board general election
551 date described in Subsection (3)(a)(i).

552 (3) (a) If a proposal under this section is approved by voters:

553 (i) an election shall be held at the next regular general election to elect:

554 (A) members to the local school board of the existing school district whose terms are

expiring;

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

(C) all members to the local school board of the remaining district;

(ii) the assets and liabilities of the existing school district shall be divided between the remaining school district and the new school district as provided in Subsection (5) and Section 53G-3-307;

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

(iv) (A) an individual residing within the boundaries of a new school district at the time the new school district is created may, for six school years after the creation of the new school district, elect to enroll in a secondary school located outside the boundaries of the new school district if:

(I) the individual resides within the boundaries of that secondary school as of the day before the new school district is created; and

(II) the individual would have been eligible to enroll in that secondary school had the new school district not been created; and

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

(v) within one year after the new district begins providing educational services, the superintendent of each remaining district affected and the superintendent of the new district shall meet, together with the [~~Superintendent of Public Instruction~~] state superintendent, to determine if further boundary changes should be proposed in accordance with Section 53G-3-501.

(b) (i) The terms of the initial members of the local school board of the new district and remaining district shall be staggered and adjusted by the county legislative body so that approximately half of the local school board is elected every two years.

(ii) The term of a member of the existing local school board, including a member elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local school board general election date described in Subsection (3)(a)(i), regardless of when the

term would otherwise have terminated.

(iii) Notwithstanding the existence of a local school board for the new district and a local school board for the remaining district under Subsection (3)(a)(i), the local school board of the existing district shall continue, until the time specified in Subsection 53G-3-301(9)(b)(ii)(A), to function and exercise authority as a local school board to the extent necessary to continue to provide educational services to the entire existing district.

(iv) An individual may simultaneously serve as or be elected to be a member of the local school board of an existing district and a member of the local school board of:

(A) a new district; or

(B) a remaining district.

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

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

(A) the legislative bodies of all municipalities in the area of the remaining district; and

(B) the legislative body of the county in which the remaining district is located, if the remaining district includes one or more unincorporated areas of the county; and

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

(A) for a new district located entirely within the boundaries of a single city, the legislative body of that city; or

(B) for each other new district, the legislative bodies of all interlocal agreement participants.

(b) The local school board of the existing school district shall, within 60 days after the canvass date for the election at which voters approve the creation of a new district:

(i) prepare an inventory of the existing district's:

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

(B) liabilities; and

(ii) deliver a copy of the inventory to each of the transition teams.

(c) The transition teams appointed under Subsection (4)(a) shall:

(i) determine the allocation of the existing district's assets and, except for indebtedness

under Section 53G-3-307, liabilities between the remaining district and the new district in accordance with Subsection (5);

(ii) prepare a written report detailing how the existing district's assets and, except for indebtedness under Section 53G-3-307, liabilities are to be allocated; and

(iii) deliver a copy of the written report to:

(A) the local school board of the existing district;

(B) the local school board of the remaining district; and

(C) the local school board of the new district.

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

(i) the local school board of the existing district; and

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

(B) the legislative bodies of all interlocal agreement participants, for each other new district.

(e) (i) All costs and expenses of the transition team that represents a remaining district shall be borne by the remaining district.

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

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

(B) the interlocal agreement participants, if the transition team is appointed by the legislative bodies of interlocal agreement participants.

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

(A) transition team costs and expenses; and

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

(5) (a) As used in this Subsection (5):

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

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

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

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

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

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

(b) Except as provided in Subsection (5)(c), the transition teams appointed under Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the allocation date, both tangible and intangible, real and personal, to the new district and remaining district as follows:

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

(ii) a discretionary asset or liability shall be allocated between the new district and remaining district in proportion to the student populations of the school districts;

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

(iv) vehicles used for pupil transportation shall be allocated:

(A) according to the transportation needs of schools, as measured by the number and assortment of vehicles used to serve transportation routes serving schools within the new district and remaining district; and

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

(v) other vehicles shall be allocated:

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

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

(c) By mutual agreement, the transition teams may allocate an asset or liability in a manner different than the allocation method specified in Subsection (5)(b).

(6) (a) As used in this Subsection (6):

(i) "New district startup costs" means:

(A) costs and expenses incurred by a new district in order to prepare to begin providing educational services on July 1 of the second calendar year following the local school board general election date described in Subsection (3)(a)(i); and

(B) the costs and expenses of the transition team that represents the new district.

(ii) "Remaining district startup costs" means:

(A) costs and expenses incurred by a remaining district in order to:

(I) make necessary adjustments to deal with the impacts resulting from the creation of the new district; and

(II) prepare to provide educational services within the remaining district once the new district begins providing educational services within the new district; and

(B) the costs and expenses of the transition team that represents the remaining district.

(b) (i) By January 1 of the year following the local school board general election date described in Subsection (3)(a)(i), the existing district shall make half of the undistributed reserve from its General Fund, to a maximum of \$9,000,000, available for the use of the remaining district and the new district, as provided in this Subsection (6).

(ii) The existing district may make additional funds available for the use of the remaining district and the new district beyond the amount specified in Subsection (6)(b)(i) through an interlocal agreement.

(c) The existing district shall make the money under Subsection (6)(b) available to the remaining district and the new district proportionately based on student population.

(d) The money made available under Subsection (6)(b) may be accessed and spent by:

(i) for the remaining district, the local school board of the remaining district; and

(ii) for the new district, the local school board of the new district.

(e) (i) The remaining district may use its portion of the money made available under Subsection (6)(b) to pay for remaining district startup costs.

(ii) The new district may use its portion of the money made available under Subsection (6)(b) to pay for new district startup costs.

(7) (a) The existing district shall transfer title or, if applicable, partial title of property to the new school district in accordance with the allocation of property by the transition teams, as stated in the report under Subsection (4)(c)(ii).

(b) The existing district shall complete each transfer of title or, if applicable, partial title to real property and vehicles by July 1 of the second calendar year following the local school board general election date described in Subsection (3)(a)(i), except as that date is changed by the mutual agreement of:

(i) the local school board of the existing district;

(ii) the local school board of the remaining district; and

(iii) the local school board of the new district.

(c) The existing district shall complete the transfer of all property not included in Subsection (7)(b) by November 1 of the second calendar year after the local school board general election date described in Subsection (3)(a)(i).

(8) Except as provided in Subsections (6) and (7), after the creation election date an existing school district may not transfer or agree to transfer title to district property without the prior consent of:

(a) the legislative body of the city in which the new district is located, for a new district located entirely within a single city; or

(b) the legislative bodies of all interlocal agreement participants, for each other new district.

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

Section 4. Section 53G-3-305 is amended to read:

53G-3-305. Reapportionment -- Local school board membership.

(1) Upon the creation of a new school district, the county legislative body shall reapportion the affected school districts pursuant to Section 20A-14-201.

(2) Except as provided in Section 53G-3-302, local school board membership in the

affected school districts shall be determined under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.

Section 5. Section **53G-3-306** is amended to read:

53G-3-306. Transfer of school property to new school district.

(1) (a) (i) On July 1 of the year following the local school board elections for a new district created pursuant to a citizens' initiative petition or local school board request under Section **53G-3-301** and an existing district as provided in Section **53G-3-305**, the local school board of the existing district shall convey and deliver to the local school board of the new district all school property which the new district is entitled to receive.

(ii) Any disagreements as to the disposition of school property shall be resolved by the county legislative body.

(iii) Subsection (1)(a)(ii) does not apply to disagreements between transition teams about the proper allocation of property under Subsection **53G-3-302**(4).

(b) An existing district shall transfer property to a new district created under Section **53G-3-302** in accordance with Section **53G-3-302**.

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

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

Section 6. Section **53G-3-307** is amended to read:

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

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

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

(i) in the year immediately preceding the date the new district was created; or
(ii) at a time mutually agreed upon by the local school boards of the new district and the remaining district.

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

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

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

(3) As used in Subsections (4) and (5), "outstanding bonded indebtedness" means debt owed for a general obligation bond issued by the divided school district:

(a) prior to the creation of the new district; or

(b) in accordance with a mutual agreement of the local school boards of the remaining and new districts under Subsection (6).

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

(5) (a) Except as provided in Subsection (5)(b), the local school board of the new district and the local school board of the remaining district shall impose a tax levy at a rate that:

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

(ii) is uniform within the new district and remaining district.

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

(6) (a) The local school boards of the remaining and new districts shall determine by mutual agreement the disposition of bonds approved but not issued by the divided school

district before the creation of the new district based primarily on the representation made to the voters at the time of the bond election.

(b) Before a determination is made under Subsection (6)(a), a remaining district may not issue bonds approved but not issued before the creation of the new district if property in the new district would be subject to the levy of a tax to pay the bonds.

Section 7. Section **53G-3-308** is amended to read:

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

(1) Upon the creation of a new district:

(a) an employee of an existing district who is employed at a school that is transferred to the new district shall become an employee of the new district; and

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

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

(ii) adopt the personnel policies and practices of the existing district, including salary schedules and benefits; and

(iii) enter into agreements with employees of the new district, or their representatives, that have the same terms as those in the negotiated agreements between the existing district and its employees.

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

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

(i) employees of an existing district who are transferred to a new district pursuant to Subsection (1)(a); and

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

(3) An employee who is transferred to a new district pursuant to Subsection (1)(a) and is rehired by the existing district within one year of the date of the creation of the new district shall, when rehired by the existing district, retain the same status as a career or provisional employee with accrued seniority and accrued benefits.

Section 8. Section **53G-3-401** is amended to read:

53G-3-401. Consolidation of school districts -- Resolution by local school board

members -- Petition by electors -- Election.

(1) Two or more school districts may unite and form a single school district in one of the following ways:

(a) a majority of the members of each of the local school boards [~~of education~~] of the affected districts shall approve and present to the county legislative body of the affected counties a resolution to consolidate the districts. Once this is done, consolidation shall be established under this chapter; or

(b) a majority of the members of the local school board [~~of education~~] of each affected district, or 15% of the qualified electors in each of the affected districts, shall sign and present a petition to the county legislative body of each affected county. The question shall be voted upon at an election called for that purpose, which shall be the next general or municipal election. Consolidation shall occur if a majority of those voting on the question in each district favor consolidation.

(2) The elections required under Subsection (1)(b) shall be conducted and the returns canvassed as provided by election laws.

Section 9. Section **53G-3-402** is amended to read:

53G-3-402. Transfer of property to new school district -- Rights and obligations of new local school board -- Outstanding indebtedness -- Special tax.

(1) On July 1 following the approval of the creation of a new school district under Section **53G-3-401**, the local school boards of the former districts shall convey and deliver all school property to the local school board of the new district. Title vests in the new local school board. All rights, claims, and causes of action to or for the property, for the use or the income from the property, for conversion, disposition, or withholding of the property, or for any damage or injury to the property vest at once in the new local school board.

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

(3) The new local school board shall assume and be liable for all outstanding debts and obligations of each of the former school districts.

(4) All of the bonded indebtedness, outstanding debts, and obligations of a former district, which cannot be reasonably paid from the assets of the former district, shall be paid by a special tax levied by the new local school board as needed. The tax shall be levied upon the

property within the former district which was liable for the indebtedness at the time of consolidation. If bonds are approved in the new district under Section 53G-4-603, the special tax shall be discontinued and the bonded indebtedness paid as any other bonded indebtedness of the new district.

(5) Bonded indebtedness of a former district which has been refunded shall be paid in the same manner as that which the new district assumes under Section 53G-4-602.

(6) State funds received by the new district under Section 53F-3-202 may be applied toward the payment of outstanding bonded indebtedness of a former district in the same proportion as the bonded indebtedness of the territory within the former district bears to the total bonded indebtedness of the districts combined.

Section 10. Section 53G-3-404 is amended to read:

53G-3-404. Additional levies -- Local school board options to abolish or continue after consolidation.

(1) If a school district that has approved an additional levy under Section 53F-8-301 is consolidated with a district which does not have such a levy, the local school board [~~of education~~] of the consolidated district may choose to abolish the levy, or apply it in whole or in part to the entire consolidated district.

(2) If the local school board chooses to apply any part of the levy to the entire district, the levy may continue in force for no more than three years, unless approved by the electors of the consolidated district in the manner set forth in Section 53F-8-301.

Section 11. Section 53G-3-501 is amended to read:

53G-3-501. Transfer of a portion of a school district -- State board resolution -- Local school board petition -- Elector petition -- Transfer election.

(1) Part of a school district may be transferred to another district in one of the following ways:

(a) presentation to the county legislative body of each of the affected counties of a resolution requesting the transfer, approved by at least four-fifths of the members of the local school board [~~of education~~] of each affected school district;

(b) presentation to the county legislative body of each affected county of a petition requesting that the electors vote on the transfer, signed by a majority of the members of the local school board of each affected school district; or

(c) presentation to the county legislative body of each affected county of a petition requesting that the electors vote on the transfer, signed by 15% of the qualified electors in each of the affected school districts within that county.

(2) (a) If an annexation of property by a city would result in its residents being served by more than one school district, then the presidents of the affected local school boards shall meet within 60 days prior to the effective date of the annexation to determine whether it would be advisable to adjust school district boundaries to permit all residents of the expanded city to be served by a single school district.

(b) Upon conclusion of the meeting, the local school board presidents shall prepare a recommendation for presentation to their respective local school boards as soon as reasonably possible.

(c) The local school boards may then initiate realignment proceedings under Subsection (1)(a) or (b).

(d) If a local school board rejects realignment under Subsection (1)(a) or (b), the other local school board may initiate the following procedures by majority vote within 60 days of the vote rejecting realignment:

(i) (A) within 30 days after a vote to initiate these procedures, each local school board shall appoint one member to a boundary review committee; or

(B) if the local school board becomes deadlocked in selecting the appointee under Subsection (2)(d)(i)(A), the local school board's chair shall make the appointment or serve as the appointee to the review committee.

(ii) The two local school board-appointed members of the committee shall meet and appoint a third member of the committee.

(iii) If the two local school board-appointed members are unable to agree on the appointment of a third member within 30 days after both are appointed, the [State Superintendent of Public Instruction] state superintendent shall appoint the third member.

(iv) The committee shall meet as necessary to prepare recommendations concerning resolution of the realignment issue, and shall submit the recommendations to the affected local school boards within six months after the appointment of the third member of the committee.

(v) If a majority of the members of each local school board accepts the recommendation of the committee, or accepts the recommendation after amendment by the

927 local school boards, then the accepted recommendation shall be implemented.

928 (vi) If the committee fails to submit its recommendation within the time allotted, or if
929 one local school board rejects the recommendation, the affected local school boards may agree
930 to extend the time for the committee to prepare an acceptable recommendation or either local
931 school board may request the ~~[State Board of Education]~~ state board to resolve the question.

932 (vii) If the committee has submitted a recommendation which the state board finds to
933 be reasonably supported by the evidence, the state board shall adopt the committee's
934 recommendation.

935 (viii) The decision of the state board is final.

936 (3) (a) The electors of each affected district shall vote on the transfer requested under
937 Subsection (1)(b) or (c) at an election called for that purpose, which may be the next general
938 election.

939 (b) The election shall be conducted and the returns canvassed as provided by election
940 law.

941 (c) A transfer is effected only if a majority of votes cast by the electors in both the
942 proposed transferor district and in the proposed transferee district are in favor of the transfer.

943 Section 12. Section **53G-3-502** is amended to read:

944 **53G-3-502. Transfer of school district property -- Indebtedness on transferred**
945 **property.**

946 (1) If a transfer of a portion of one school district to another school district is approved
947 under Section **53G-3-501**, the state superintendent and the superintendents and presidents of
948 the local school boards ~~[of education]~~ of each of the affected school districts shall determine
949 the basis for a transfer of all school property reasonably and fairly allocable to that portion
950 being transferred.

951 (2) (a) Title to property transferred vests in the transferee local school board ~~[of~~
952 ~~education]~~.

953 (b) The transfer of a school building that is in operation at the time of determination
954 shall be made at the close of a fiscal year.

955 (c) The transfer of all other school property shall be made five days after approval of
956 the transfer of territory under Section **53G-3-501**.

957 (3) (a) The individuals referred to in Subsection (1) shall determine the portion of

bonded indebtedness and other indebtedness of the transferor local school board for which the transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor local school board.

(b) This is done by:

(i) determining the amount of the outstanding bonded indebtedness and other indebtedness of the transferor local school board [~~of education~~];

(ii) determining the total taxable value of the property of the transferor district and the taxable value of the property to be transferred; and

(iii) calculating the portion of the indebtedness of the transferor local school board for which the transferred portion retains liability.

(4) (a) The agreement reflecting these determinations takes effect upon being filed with the [~~State Board of Education~~] state board.

(b) The transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor local school board.

(c) The transferee local school board may assume the obligation to pay the proportionate share of the transferor local school board's indebtedness that has been determined under Subsection (3) to be the obligation of the transferred portion by the approval of a resolution by a majority of the qualified electors of the transferee school district at an election called and held for that purpose under Title 11, Chapter 14, Local Government Bonding Act.

(5) If the transferee school district assumes the obligation to pay this proportionate share of the transferor local school board's indebtedness, the transferee local school board shall levy a tax in the whole of the transferee district, including the transferred portion, sufficient to pay the assumed indebtedness, and shall turn over the proceeds of the tax to the business administrator of the transferor local school board.

(6) If the transferee local school board does not assume this obligation, the transferee local school board shall levy a tax on the transferred territory sufficient to pay the proportionate share of the indebtedness determined under this section, and shall turn over the proceeds of the tax to the business administrator of the transferor local school board.

(7) For the purposes of school districts affected by repealed laws governing the annexation of an unincorporated area of a school district by a city which included what was formerly known as a city school district, transitions of unincorporated areas and property from

the transferor district to the transferee district in progress on the effective date of this act shall revert to the boundaries and ownership prior to the initiation of annexation and may then proceed under this section and Section 53G-3-501.

Section 13. Section 53G-3-503 is amended to read:

53G-3-503. Additional levies in transferred territory -- Transferee local school board option to abolish or continue.

If two or more districts undergo restructuring that results in a district receiving territory that increases the population of the district by at least 25%, and if the transferred territory was, at the time of transfer, subject to an additional levy under Section 53F-8-301, the local school board [of education] of the transferee district may abolish the levy or apply the levy in whole or in part to the entire restructured district. Any such levy made applicable to the entire district may continue in force for no more than five years, unless approved by the electors of the restructured district in the manner set forth in Section 53F-8-301.

Section 14. Section 53G-4-201 is amended to read:

53G-4-201. Selection and election of members to local school boards.

Members of local school boards [of education] shall be elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

Section 15. Section 53G-4-202 is amended to read:

53G-4-202. Local school board meetings -- Rules of order and procedure -- Location requirements -- Expulsion of members prohibited -- Exceptions.

(1) As used in this section:

(a) "Disaster" means an event that:

(i) causes, or threatens to cause, loss of life, human suffering, public or private property damage, or economic or social disruption resulting from attack, internal disturbance, natural phenomenon, or technological hazard; and

(ii) requires resources that are beyond the scope of local agencies in routine responses to emergencies and accidents and may be of a magnitude or involve unusual circumstances that require a response by a governmental, not-for-profit, or private entity.

(b) "Local emergency" means a condition in any municipality or county of the state that requires that emergency assistance be provided by the affected municipality or county or another political subdivision to save lives and protect property within its jurisdiction in

1020 response to a disaster or to avoid or reduce the threat of a disaster.

1021 (c) "Rules of order and procedure" means a set of [~~rules~~] policies that governs and
1022 prescribes in a public meeting:

1023 (i) parliamentary order and procedure;

1024 (ii) ethical behavior; and

1025 (iii) civil discourse.

1026 (2) Subject to Subsection (4), a local school board shall:

1027 (a) adopt rules of order and procedure to govern a public meeting of the local school
1028 board;

1029 (b) conduct a public meeting in accordance with the rules of order and procedure
1030 described in Subsection (2)(a); and

1031 (c) make the rules of order and procedure described in Subsection (2)(a) available to
1032 the public:

1033 (i) at each public meeting of the local school board; and

1034 (ii) on the local school board's public website, if available.

1035 (3) (a) Except as provided in Subsections (3)(b) and (c), a local school board may not
1036 hold a public meeting outside of the geographic boundary of the local school board's school
1037 district.

1038 (b) A local school board may hold a public meeting outside of the geographic boundary
1039 of the local school board's school district if it is necessary for the local school board to hold a
1040 meeting during a disaster or local emergency.

1041 (c) A local school board may hold a public meeting outside of the geographic boundary
1042 of the local school board's school district to conduct a site visit if:

1043 (i) the location of the site visit provides the local school board members the
1044 opportunity to see or experience an activity that:

1045 (A) relates to the local school board's responsibilities; and

1046 (B) does not exist within the geographic boundaries of the local school board's school
1047 district; and

1048 (ii) the local school board does not vote or take other action during the public meeting
1049 held at the site visit location.

1050 (d) This Subsection (3) does not apply to a charter school governing board.

(4) The requirements of this section do not affect a local school board's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(5) (a) Except as provided in Subsection (5)(b), a local school board may not expel a member of the local school board from an open public meeting or prohibit the member from attending an open public meeting.

(b) Except as provided in Subsection (5)(c), following a two-thirds vote of the members of the local school board, the local school board may fine or expel a member of the local school board for:

- (i) disorderly conduct at the open public meeting;
- (ii) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or
- (iii) a commission of a crime during the open public meeting.

(c) A local school board may adopt [~~rules~~] policies or ordinances that expand the reasons or establish more restrictive procedures for the expulsion of a member from a public meeting.

Section 16. Section **53G-4-203** is amended to read:

53G-4-203. Election of officers -- Terms -- Time of election -- Removal of officers -- Quorum requirements.

(1) A local school board shall elect a president and a [~~vice-president~~] vice president whose terms of office are for two years and until their successors are elected.

(2) The elections shall be held during the first local school board meeting in January following a regular local school board election held in the district.

(3) An officer appointed or elected by a local school board may be removed from office for cause by a vote of two-thirds of the local school board.

(4) When a vacancy occurs in the office of president or vice president of the local school board for any reason, a replacement shall be elected for the unexpired term.

(5) Attendance of a simple majority of the local school board members constitutes a quorum for the transaction of official business.

Section 17. Section **53G-4-204** is amended to read:

53G-4-204. Compensation for services -- Additional per diem -- Approval of expenses.

(1) Each member of a local school board, except the student member, shall receive compensation for services and for necessary expenses in accordance with [board] compensation schedules adopted by the local school board in accordance with the provisions of this section.

(2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its [board] compensation schedules, the local school board shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard.

(3) Notice of the time, place, and purpose of the meeting shall be provided at least seven days prior to the meeting by:

(a) (i) publication at least once in a newspaper published in the county where the school district is situated and generally circulated within the school district; and

(ii) publication on the Utah Public Notice Website created in Section 63F-1-701; and

(b) posting a notice:

(i) at each school within the school district;

(ii) in at least three other public places within the school district; and

(iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.

(4) After the conclusion of the public hearing, the local school board may adopt or amend its [board] compensation schedules.

(5) Each member shall submit an itemized account of necessary travel expenses for local school board approval.

(6) A local school board may, without following the procedures described in Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to July 1, 2007, until, at the discretion of the local school board, the compensation schedule is amended or a new compensation schedule is adopted.

Section 18. Section **53G-4-205** is amended to read:

53G-4-205. Duties of president.

(1) The president of each local school board shall preside at all meetings of the local school board, appoint all committees, and sign all warrants ordered by the local school board to be drawn upon the business administrator for school money.

(2) If the president is absent or acquires a disability, these duties are performed by the vice president.

1113 Section 19. Section **53G-4-303** is amended to read:

1114 **53G-4-303. Duties of business administrator.**

1115 Subject to the direction of the district superintendent of schools, the district's business
1116 administrator shall:

1117 (1) attend all meetings of the local school board, keep an accurate record of its
1118 proceedings, and have custody of the seal and records;

1119 (2) be custodian of all district funds, be responsible and accountable for all money
1120 received and disbursed, and keep accurate records of all revenues received and their sources;

1121 (3) countersign with the president of the local school board all warrants and claims
1122 against the district as well as other legal documents approved by the local school board;

1123 (4) prepare and submit to the local school board each month a written report of the
1124 district's receipts and expenditures;

1125 (5) use uniform budgeting, accounting, and auditing procedures and forms approved by
1126 the ~~[State Board of Education]~~ state board, which shall be in accordance with generally
1127 accepted accounting principles or auditing standards and Title 63J, Chapter 1, Budgetary
1128 Procedures Act;

1129 (6) prepare and submit to the local school board a detailed annual statement for the
1130 period ending June 30, of the revenue and expenditures, including beginning and ending fund
1131 balances;

1132 (7) assist the superintendent in the preparation and submission of budget documents
1133 and statistical and fiscal reports required by law or the ~~[State Board of Education]~~ state board;

1134 (8) insure that adequate internal controls are in place to safeguard the district's funds;
1135 and

1136 (9) perform other duties as the superintendent may require.

1137 Section 20. Section **53G-4-304** is amended to read:

1138 **53G-4-304. Other local school board officers.**

1139 (1) A local school board may appoint other necessary officers who serve at the pleasure
1140 of the local school board.

1141 (2) These officers shall qualify by taking the constitutional oath of office before
1142 assuming office.

1143 Section 21. Section **53G-4-401** is amended to read:

**53G-4-401. Local school boards are bodies corporate -- Seal -- Authority to sue --
Conveyance of property -- Duty to residents of the local school board member's district --
Establishment of public education foundation.**

(1) As used in this section, "body corporate" means a public corporation and legal subdivision of the state, vested with the powers and duties of a government entity as specified in this chapter.

(2) The local school board [~~of education~~] of a school district is a body corporate under the name of the "Board of Education of School District" (inserting the proper name), and shall have an official seal conformable to its name.

(3) The seal is used by its business administrator in the authentication of all required matters.

(4) A local school board may sue and be sued, and may take, hold, lease, sell, and convey real and personal property as the interests of the schools may require.

(5) Notwithstanding a local school board's status as a body corporate, an elected member of a local school board serves and represents the residents of the local school board member's district, and that service and representation may not be restricted or impaired by the local school board member's membership on, or obligations to, the local school board.

(6) A local school board may establish a foundation in accordance with Section [53E-3-403](#).

Section 22. Section **53G-4-402** is amended to read:

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

(1) A local school board shall:

(a) implement the core standards for Utah public schools using instructional materials that best correlate to the core standards for Utah public schools and graduation requirements;

(b) administer tests, required by the [~~State Board of Education~~] state board, which measure the progress of each student, and coordinate with the state superintendent and [~~State Board of Education~~] state board to assess results and create plans to improve the student's progress, which shall be submitted to the [~~State Board of Education~~] state board for approval;

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

(d) develop early warning systems for students or classes failing to make progress;
(e) work with the ~~[State Board of Education]~~ state board to establish a library of documented best practices, consistent with state and federal regulations, for use by the local districts; and

(f) implement training programs for school administrators, including basic management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in basic academic subjects.

(2) Local school boards shall spend ~~[minimum school program]~~ Minimum School Program funds for programs and activities for which the ~~[State Board of Education]~~ state board has established minimum standards or rules under Section 53E-3-501.

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

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

(4) (a) A local school board may participate in the joint construction or operation of a school attended by children residing within the district and children residing in other districts either within or outside the state.

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

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

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

(iii) be filed with the ~~[State Board of Education]~~ state board.

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

(6) Except as provided in Section 53E-3-905, a local school board may enroll children in school who are at least five years of age before September 2 of the year in which admission is sought.

(7) A local school board may establish and support school libraries.

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

(9) A local school board may authorize guidance and counseling services for children

1206 and their parents [~~or guardians~~] before, during, or following enrollment of the children in
1207 schools.

1208 (10) (a) A local school board shall administer and implement federal educational
1209 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National
1210 Education Programs.

1211 (b) Federal funds are not considered funds within the school district budget under
1212 Chapter 7, Part 3, Budgets.

1213 (11) (a) A local school board may organize school safety patrols and adopt [~~rules~~]
1214 policies under which the patrols promote student safety.

1215 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
1216 parental consent for the appointment.

1217 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
1218 of a highway intended for vehicular traffic use.

1219 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
1220 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
1221 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

1222 (12) (a) A local school board may on its own behalf, or on behalf of an educational
1223 institution for which the local school board is the direct governing body, accept private grants,
1224 loans, gifts, endowments, devises, or bequests that are made for educational purposes.

1225 (b) These contributions are not subject to appropriation by the Legislature.

1226 (13) (a) A local school board may appoint and fix the compensation of a compliance
1227 officer to issue citations for violations of Subsection 76-10-105(2).

1228 (b) A person may not be appointed to serve as a compliance officer without the
1229 person's consent.

1230 (c) A teacher or student may not be appointed as a compliance officer.

1231 (14) A local school board shall adopt bylaws and [~~rules~~] policies for the local school
1232 board's own procedures.

1233 (15) (a) A local school board shall make and enforce [~~rules~~] policies necessary for the
1234 control and management of the district schools.

1235 (b) [~~Board rules and~~] Local school board policies shall be in writing, filed, and
1236 referenced for public access.

- 1237 (16) A local school board may hold school on legal holidays other than Sundays.
- 1238 (17) (a) A local school board shall establish for each school year a school traffic safety
1239 committee to implement this Subsection (17).
- 1240 (b) The committee shall be composed of one representative of:
- 1241 (i) the schools within the district;
- 1242 (ii) the Parent Teachers' Association of the schools within the district;
- 1243 (iii) the municipality or county;
- 1244 (iv) state or local law enforcement; and
- 1245 (v) state or local traffic safety engineering.
- 1246 (c) The committee shall:
- 1247 (i) receive suggestions from school community councils, parents, teachers, and others
1248 and recommend school traffic safety improvements, boundary changes to enhance safety, and
1249 school traffic safety program measures;
- 1250 (ii) review and submit annually to the Department of Transportation and affected
1251 municipalities and counties a child access routing plan for each elementary, middle, and junior
1252 high school within the district;
- 1253 (iii) consult the Utah Safety Council and the Division of Family Health Services and
1254 provide training to all school children in kindergarten through grade ~~six~~ 6, within the district,
1255 on school crossing safety and use; and
- 1256 (iv) help ensure the district's compliance with rules made by the Department of
1257 Transportation under Section 41-6a-303.
- 1258 (d) The committee may establish subcommittees as needed to assist in accomplishing
1259 its duties under Subsection (17)(c).
- 1260 (18) (a) A local school board shall adopt and implement a comprehensive emergency
1261 response plan to prevent and combat violence in the local school board's public schools, on
1262 school grounds, on its school vehicles, and in connection with school-related activities or
1263 events.
- 1264 (b) The plan shall:
- 1265 (i) include prevention, intervention, and response components;
- 1266 (ii) be consistent with the student conduct and discipline policies required for school
1267 districts under Chapter 11, Part 2, Miscellaneous Requirements;

(iii) require inservice training for all district and school building staff on what their roles are in the emergency response plan;

(iv) provide for coordination with local law enforcement and other public safety representatives in preventing, intervening, and responding to violence in the areas and activities referred to in Subsection (18)(a); and

(v) include procedures to notify a student, to the extent practicable, who is off campus at the time of a school violence emergency because the student is:

(A) participating in a school-related activity; or

(B) excused from school for a period of time during the regular school day to participate in religious instruction at the request of the student's parent ~~[or guardian]~~.

(c) The ~~[State Board of Education]~~ state board, through the state superintendent ~~[of public instruction]~~, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (18)(a).

(d) A local school board shall, by July 1 of each year, certify to the ~~[State Board of Education]~~ state board that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and their parents and local law enforcement and public safety representatives.

(19) (a) A local school board may adopt an emergency response plan for the treatment of sports-related injuries that occur during school sports practices and events.

(b) The plan may be implemented by each secondary school in the district that has a sports program for students.

(c) The plan may:

(i) include emergency personnel, emergency communication, and emergency equipment components;

(ii) require inservice training on the emergency response plan for school personnel who are involved in sports programs in the district's secondary schools; and

(iii) provide for coordination with individuals and agency representatives who:

(A) are not employees of the school district; and

(B) would be involved in providing emergency services to students injured while participating in sports events.

(d) The local school board, in collaboration with the schools referred to in Subsection

(19)(b), may review the plan each year and make revisions when required to improve or enhance the plan.

(e) The [~~State Board of Education~~] state board, through the state superintendent [~~of public instruction~~], shall provide local school boards with an emergency plan response model that local school boards may use to comply with the requirements of this Subsection (19).

(20) A local school board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.

(21) (a) Before closing a school or changing the boundaries of a school, a local school board shall:

(i) hold a public hearing, as defined in Section 10-9a-103; and

(ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

(b) The notice of a public hearing required under Subsection (21)(a) shall:

(i) indicate the:

(A) school or schools under consideration for closure or boundary change; and

(B) date, time, and location of the public hearing; and

(ii) at least 10 days before the public hearing, be:

(A) published:

(I) in a newspaper of general circulation in the area; and

(II) on the Utah Public Notice Website created in Section 63F-1-701; and

(B) posted in at least three public locations within the municipality or on the district's official website.

(22) A local school board may implement a facility energy efficiency program established under Title 11, Chapter 44, Performance Efficiency Act.

(23) A local school board may establish or partner with a certified youth court program, in accordance with Section 78A-6-1203, or establish or partner with a comparable restorative justice program, in coordination with schools in that district. A school may refer a student to youth court or a comparable restorative justice program in accordance with Section 53G-8-211.

Section 23. Section 53G-4-403 is amended to read:

53G-4-403. School district fiscal year -- Statistical reports.

(1) A school district's fiscal year begins on July 1 and ends on June 30.

(2) (a) A school district shall forward statistical reports for the preceding school year, containing items required by law or by the [~~State Board of Education~~] state board, to the state superintendent on or before November 1 of each year.

(b) The reports shall include information to enable the state superintendent to complete the statement required under Subsection 53E-3-301(3)(d)(v).

(3) A school district shall forward the accounting report required under Section 51-2a-201 to the state superintendent on or before October 15 of each year.

Section 24. Section 53G-4-404 is amended to read:

53G-4-404. Annual financial report -- Audit report.

(1) The annual financial report of each school district, containing items required by law or by the [~~State Board of Education~~] state board and attested to by independent auditors, shall be prepared as required by Section 51-2a-201.

(2) If auditors are employed under Section 51-2a-201, the auditors shall complete their field work in sufficient time to allow them to verify necessary audit adjustments included in the annual financial report to the state superintendent.

(3) (a) (i) The district shall forward the annual financial report to the state superintendent not later than October 1.

(ii) The report shall include information to enable the state superintendent to complete the statement required under Subsection 53E-3-301(3)(d)(v).

(b) The [~~State Board of Education~~] state board shall publish electronically a copy of the report on the Internet not later than December 15.

(4) The completed audit report shall be delivered to the school district local school board [~~of education~~] and the state superintendent [~~of public instruction~~] not later than November 30 of each year.

Section 25. Section 53G-4-405 is amended to read:

53G-4-405. Approval of purchases or indebtedness -- Local school board approval of identified purchases.

(1) An officer or employee of a school district may not make a purchase or incur indebtedness on behalf of the district without the approval and order of the local school board.

(2) The local school board shall adopt one of the following approval methods, or a combination of the two:

(a) The local school board shall approve an appropriation for identified purchases in the district budget. Each purchase made under an identified purchase does not require additional local school board approval.

(b) The local school board shall approve individual purchases when made throughout the fiscal year.

Section 26. Section **53G-4-406** is amended to read:

53G-4-406. Claims against the local school board -- Itemized.

Except for salary which is regularly authorized by the local school board, the local school board may not hear or consider any claim against the local school board which is not itemized.

Section 27. Section **53G-4-409** is amended to read:

53G-4-409. Activity disclosure statements.

(1) A local school board shall require the development of activity disclosure statements for each school-sponsored group or program which involves students and faculty in grades 9 through 12 in contests, performances, events, or other activities that require them to miss normal class time or takes place outside regular school time.

(2) The activity disclosure statements shall be disseminated to the students desiring involvement in the specific activity or to the students' parents [~~or legal guardians~~] or to both students and their parents.

(3) An activity disclosure statement shall contain the following information:

(a) the specific name of the team, group, or activity;

(b) the maximum number of students involved;

(c) whether or not tryouts are used to select students, specifying date and time requirements for tryouts, if applicable;

(d) beginning and ending dates of the activity;

(e) a tentative schedule of the events, performances, games, or other activities with dates, times, and places specified if available;

(f) if applicable, designation of any nonseason events or activities, including an indication of the status, required, expected, suggested, or optional, with the dates, times, and places specified;

(g) personal costs associated with the activity;

(h) the name of the school employee responsible for the activity; and
(i) any additional information considered important for the students and parents to know.

Section 28. Section **53G-4-410** is amended to read:

53G-4-410. Regional service centers.

(1) For purposes of this section, "eligible regional service center" means a regional service center formed by two or more school districts as an interlocal entity, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.

(2) The Legislature strongly encourages school districts to collaborate and cooperate to provide educational services in a manner that will best utilize resources for the overall operation of the public education system.

(3) An eligible regional service center formed by an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, may receive a distribution described in Subsection (5) if the Legislature appropriates money for eligible regional service centers.

(4) (a) If local school boards enter into an interlocal agreement to confirm or formalize a regional service center in operation before July 1, 2011, the interlocal agreement may not eliminate any rights or obligations of the regional service center in effect before entering into the interlocal agreement.

(b) An interlocal agreement entered into to confirm or formalize an existing regional service center shall have the effect of confirming and ratifying in the regional service center, the title to any property held in the name, or for the benefit of the regional service center as of the effective date of the interlocal agreement.

(5) (a) The [~~State Board of Education~~] state board shall distribute any funding appropriated to eligible regional service centers as provided by the Legislature.

(b) The [~~State Board of Education~~] state board may provide funding to an eligible regional service center in addition to legislative appropriations.

(6) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education~~] The state board shall make rules regarding eligible regional service centers including:

(a) the distribution of legislative appropriations to eligible regional service centers;

(b) the designation of eligible regional service centers as agents to distribute Utah Education and Telehealth Network services; and

(c) the designation of eligible regional service centers as agents for regional coordination of public education and higher education services.

Section 29. Section **53G-4-502** is amended to read:

53G-4-502. Utah School Boards Association.

The Utah School Boards Association is recognized as an organization and agency of the local school boards of Utah and is representative of those local school boards.

Section 30. Section **53G-4-503** is amended to read:

53G-4-503. Boards of education authorized to become members of association.

The [~~State Board of Education~~] state board, local school boards, and their agencies may become members of the Utah School Boards Association and cooperate with the association and its members on activities and problems relating to the state's educational system.

Section 31. Section **53G-4-602** is amended to read:

53G-4-602. School district tax anticipation notes.

(1) A local school board may borrow money in anticipation of the collection of taxes or other revenue of the school district so long as it complies with Title 11, Chapter 14, Local Government Bonding Act.

(2) The local school board may incur indebtedness under this section for any purpose for which district funds may be expended, but not in excess of the estimated district revenues for the current school year.

(3) Revenues include all revenues of the district from the state or any other source.

(4) The district may incur the indebtedness prior to imposing or collecting the taxes or receiving the revenues. The indebtedness bears interest at the lowest obtainable rate or rates.

Section 32. Section **53G-4-604** is amended to read:

53G-4-604. Consolidated school district bonds.

(1) A consolidated county school district may issue bonds, without an election, to fund, purchase, or redeem the district's outstanding indebtedness if the debt was incurred prior to consolidation and assumed by the consolidated school district.

(2) The legality, regularity, and validity of the outstanding indebtedness shall be determined in the same manner used to determine the validity of other bonds to be refunded by

1454 the local school board.

1455 Section 33. Section **53G-4-605** is amended to read:

1456 **53G-4-605. Testing validity of bonds to be refunded -- Procedure.**

1457 If considered advisable by the local school board, the validity of any bonds intended to
1458 be refunded may be determined in the following manner:

1459 (1) The local school board shall:

1460 (a) publish a notice describing with sufficient particularity for identification the bond
1461 or bonds intended to be refunded:

1462 (i) once a week for two successive weeks in a newspaper published in the school
1463 district; and

1464 (ii) as required in Section **45-1-101**; and

1465 (b) post a notice for two successive weeks in three public and conspicuous places
1466 describing with sufficient particularity for identification the bond or bonds intended to be
1467 refunded.

1468 (2) The notice shall require any person objecting to the legality, regularity, or validity
1469 of the bonds, their issue or sale, or the indebtedness represented by the bonds, to appear before
1470 the local school board at a specified place within the district on a specified day and time.

1471 (3) The time may not be less than 14 nor more than 60 days after the first publication
1472 or posting of the notice.

1473 (4) The notice shall require the person to appear at the meeting with his objections in
1474 writing, duly verified.

1475 (5) The local school board shall convene at the time and place specified in the notice
1476 and receive all objections as prescribed in Subsection (4).

1477 (6) The objections shall be filed with and preserved by the local school board.

1478 (7) If no written objections are presented at the time and place specified in the notice,
1479 the local school board shall so certify.

1480 (8) All persons are then prohibited from questioning in any manner or proceeding the
1481 legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness
1482 represented by the bonds, and the local school board may then refund the bonds.

1483 (9) Any person filing a written objection under Subsection (4) shall, within 20 days
1484 after the filing, commence appropriate legal proceedings against the local school board and

others as may be proper parties, in the district court for the county in which the school district is situated, to challenge and determine the legality, regularity, and validity of the bond or bonds, their issue and sale, or the indebtedness represented by them.

(10) Failure to commence the proceedings within 20 days bars the person filing objections from questioning, in any manner or proceeding, the legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness represented by the bonds.

(11) Upon proof of failure to commence proceedings, by certificate of the clerk of the court, the local school board may refund the bonds.

Section 34. Section **53G-4-606** is amended to read:

53G-4-606. Sinking fund -- Investment.

(1) The money levied and collected to create a sinking fund for the redemption of bonds issued by a local school board shall be immediately credited to a special fund.

(2) After retaining an amount sufficient to pay the principal of the bonds maturing during the year, the local school board shall invest the fund and any surplus as provided under Title 51, Chapter 7, State Money Management Act.

Section 35. Section **53G-4-801** is amended to read:

53G-4-801. Definitions.

~~[(1) "Board" means the board of education of a school district existing now or later under the laws of the state.]~~

~~[(2)]~~ (1) "Bond" means any general obligation bond or refunding bond issued after the effective date of this part.

~~[(3)]~~ (2) "Default avoidance program" means the school bond guaranty program established by this part.

~~[(4)]~~ (3) "General obligation bond" means any bond, note, warrant, certificate of indebtedness, or other obligation of a local school board payable in whole or in part from revenues derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any applicable constitutional or statutory debt limitation.

~~[(5)]~~ (4) "Paying agent" means the corporate paying agent selected by the local school board for a bond issue who is:

(a) duly qualified; and

(b) acceptable to the state treasurer.

[~~(6)~~] (5) "Permanent school fund" means the state school fund described in the Utah Constitution, Article X, Section 5(1).

[~~(7)~~] (6) "Refunding bond" means any general obligation bond issued by a local school board for the purpose of refunding its outstanding general obligation bonds.

[~~(8)~~] (7) "School district" means any school district existing now or later under the laws of the state.

Section 36. Section **53G-4-802** is amended to read:

53G-4-802. Contract with bondholders -- Full faith and credit of state is pledged -- Limitation as to certain refunded bonds.

(1) (a) The state of Utah pledges to and agrees with the holders of any bonds that the state will not alter, impair, or limit the rights vested by the default avoidance program with respect to the bonds until the bonds, together with applicable interest, are fully paid and discharged.

(b) Notwithstanding Subsection (1)(a), nothing contained in this part precludes an alteration, impairment, or limitation if adequate provision is made by law for the protection of the holders of the bonds.

(c) Each local school board may refer to this pledge and undertaking by the state in its bonds.

(2) (a) The full faith and credit and unlimited taxing power of the state is pledged to guarantee full and timely payment of the principal of (either at the stated maturity or by any advancement of maturity pursuant to a mandatory sinking fund payment) and interest on, bonds as such payments shall become due (except that in the event of any acceleration of the due date of such principal by reason of mandatory or optional redemption or acceleration resulting from default of otherwise, other than any advancement of maturity pursuant to a mandatory sinking fund payment, the payments guaranteed shall be made in such amounts and at such times as such payments of principal would have been due had there not been any such acceleration).

(b) This guaranty does not extend to the payment of any redemption premium.

(c) Reference to this part by its title on the face of any bond conclusively establishes the guaranty provided to that bond under provisions of this part.

(3) (a) Any bond guaranteed under this part that is refunded and considered paid for the purposes of and within the meaning of Subsection [11-27-3\(6\)](#), no longer has the benefit of the

guaranty provided by this part from and after the date on which that bond was considered to be paid.

(b) Any refunding bond issued by a local school board that is itself secured by government obligations until the proceeds are applied to pay refunded bonds, as provided in Title 11, Chapter 27, Utah Refunding Bond Act, is not guaranteed under the provisions of this part, until the refunding bonds cease to be secured by government obligations as provided in Title 11, Chapter 27, Utah Refunding Bond Act.

(4) Only validly issued bonds issued after the effective date of this part are guaranteed under this part.

Section 37. Section **53G-4-803** is amended to read:

53G-4-803. Program eligibility -- Option to forego guaranty.

(1) (a) Any local school board may request that the state treasurer issue a certificate evidencing eligibility for the state's guaranty under this part.

(b) After reviewing the request, if the state treasurer determines that the local school board is eligible, the state treasurer shall promptly issue the certificate and provide it to the requesting local school board.

(c) (i) The local school board receiving the certificate and all other persons may rely on the certificate as evidencing eligibility for the guaranty for one year from and after the date of the certificate, without making further inquiry of the state treasurer during that year.

(ii) The certificate of eligibility is valid for one year even if the state treasurer later determines that the local school board is ineligible.

(2) Any local school board that chooses to forego the benefits of the guaranty provided by this part for a particular issue of bonds may do so by not referring to this part on the face of its bonds.

(3) Any local school board that has bonds, the principal of or interest on which has been paid, in whole or in part, by the state under this part may not issue any additional bonds guaranteed by this act until:

(a) all payment obligations of the local school board to the state under the default avoidance program are satisfied; and

(b) the state treasurer and the state superintendent [~~of public instruction~~] each certify in writing, to be kept on file by the state treasurer and the state superintendent, that the local

1578 school board is fiscally solvent.

1579 (4) Bonds not guaranteed by this part are not included in the definition of "bonds" in
1580 Section 53G-4-802 as used generally in this part and are not subject to the requirements of and
1581 do not receive the benefits of this part.

1582 Section 38. Section 53G-4-804 is amended to read:

1583 **53G-4-804. Fiscal solvency of school districts -- Duties of state treasurer and**
1584 **attorney general.**

1585 (1) The state superintendent [~~of public instruction~~] shall:

1586 (a) monitor the financial affairs and condition of each local school board in the state to
1587 evaluate each local school board's financial solvency; and

1588 (b) report immediately to the governor and state treasurer any circumstances suggesting
1589 that a school district will be unable to timely meet its debt service obligations and recommend
1590 a course of remedial action.

1591 (2) (a) The state treasurer shall determine whether [~~or not~~] the financial affairs and
1592 condition of a local school board are such that it would be imprudent for the state to guarantee
1593 the bonds of that local school board.

1594 (b) If the state treasurer determines that the state should not guarantee the bonds of that
1595 local school board, the state treasurer shall:

1596 (i) prepare a determination of ineligibility; and

1597 (ii) keep it on file in the office of the state treasurer.

1598 (c) The state treasurer may remove a local school board from the status of ineligibility
1599 when a subsequent report or other information made available to the state treasurer evidences
1600 that it is no longer imprudent for the state to guarantee the bonds of that local school board.

1601 (3) Nothing in this section affects the state's guaranty of bonds of a local school board
1602 issued:

1603 (a) before determination of ineligibility;

1604 (b) after the eligibility of the local school board is restored; or

1605 (c) under a certificate of eligibility issued under Section 53G-4-803.

1606 Section 39. Section 53G-4-805 is amended to read:

1607 **53G-4-805. Business administrator duties -- Paying agent to provide notice --**
1608 **State treasurer to execute transfer to paying agents -- Effect of transfer.**

(1) (a) The business administrator of each local school board with outstanding, unpaid bonds shall transfer money sufficient for the scheduled debt service payment to its paying agent at least 15 days before any principal or interest payment date for the bonds.

(b) The paying agent may, if instructed to do so by the business administrator, invest the money at the risk and for the benefit of the local school board until the payment date.

(c) A business administrator who is unable to transfer the scheduled debt service payment to the paying agent 15 days before the payment date shall immediately notify the paying agent and the state treasurer by:

(i) telephone;

(ii) a writing sent by facsimile transmission; and

(iii) a writing sent by first-class United States mail.

(2) If sufficient funds are not transferred to the paying agent as required by Subsection (1), the paying agent shall notify the state treasurer of that failure in writing at least 10 days before the scheduled debt service payment date by:

(a) telephone;

(b) a writing sent by facsimile transmission; and

(c) a writing sent by first-class United States mail.

(3) (a) If sufficient money to pay the scheduled debt service payment has not been transferred to the paying agent, the state treasurer shall, on or before the scheduled payment date, transfer sufficient money to the paying agent to make the scheduled debt service payment.

(b) The payment by the treasurer:

(i) discharges the obligation of the issuing local school board to its bondholders for the payment; and

(ii) transfers the rights represented by the general obligation of the local school board from the bondholders to the state.

(c) The local school board shall pay the transferred obligation to the state as provided in this part.

Section 40. Section **53G-4-806** is amended to read:

53G-4-806. State financial assistance intercept mechanism -- State treasurer duties -- Interest and penalty provisions.

(1) (a) If one or more payments on bonds are made by the state treasurer as provided in

1640 Section 53G-4-805, the state treasurer shall:

1641 (i) immediately intercept any payments from the Uniform School Fund or from any
1642 other source of operating money provided by the state to the local school board that issued the
1643 bonds that would otherwise be paid to the local school board by the state; and

1644 (ii) apply the intercepted payments to reimburse the state for payments made pursuant
1645 to the state's guaranty until all obligations of the local school board to the state arising from
1646 those payments, including interest and penalties, are paid in full.

1647 (b) The state has no obligation to the local school board or to any person or entity to
1648 replace any money intercepted under authority of Subsection (1)(a).

1649 (2) The local school board that issued bonds for which the state has made all or part of
1650 a debt service payment shall:

1651 (a) reimburse all money drawn by the state treasurer on its behalf;

1652 (b) pay interest to the state on all money paid by the state from the date the money was
1653 drawn to the date they are repaid at a rate not less than the average prime rate for national
1654 money center banks plus 1%; and

1655 (c) pay all penalties required by this part.

1656 (3) (a) The state treasurer shall establish the reimbursement interest rate after
1657 considering the circumstances of any prior draws by the local school board on the state, market
1658 interest and penalty rates, and the cost of funds, if any, that were required to be borrowed by
1659 the state to make payment on the bonds.

1660 (b) The state treasurer may, after considering the circumstances giving rise to the
1661 failure of the local school board to make payment on its bonds in a timely manner, impose on
1662 the local school board a penalty of not more than 5% of the amount paid by the state pursuant
1663 to its guaranty for each instance in which a payment by the state is made.

1664 (4) (a) (i) If the state treasurer determines that amounts obtained under this section will
1665 not reimburse the state in full within one year from the state's payment of a local school board's
1666 scheduled debt service payment, the state treasurer shall pursue any legal action, including
1667 mandamus, against the local school board to compel it to:

1668 (A) levy and provide property tax revenues to pay debt service on its bonds when due
1669 as required by Title 11, Chapter 14, Local Government Bonding Act; and

1670 (B) meet its repayment obligations to the state.

(ii) In pursuing its rights under this Subsection (4)(a), the state shall have the same substantive and procedural rights under Title 11, Chapter 14, Local Government Bonding Act, as would a holder of the bonds of a local school board.

(b) The attorney general shall assist the state treasurer in these duties.

(c) The local school board shall pay the attorney's fees, expenses, and costs of the state treasurer and the attorney general.

(5) (a) Except as provided in Subsection (5)(c), any local school board whose operating funds were intercepted under this section may replace those funds from other local school board money or from ad valorem property taxes, subject to the limitations provided in this Subsection (5).

(b) A local school board may use ad valorem property taxes or other money to replace intercepted funds only if the ad valorem property taxes or other money was derived from:

(i) taxes originally levied to make the payment but which were not timely received by the local school board;

(ii) taxes from a special levy made to make the missed payment or to replace the intercepted money;

(iii) money transferred from the capital outlay fund of the local school board or the undistributed reserve, if any, of the local school board; or

(iv) any other source of money on hand and legally available.

(c) Notwithstanding the provisions of Subsections (5)(a) and (b), a local school board may not replace operating funds intercepted by the state with money collected and held to make payments on bonds if that replacement would divert money from the payment of future debt service on the bonds and increase the risk that the state's guaranty would be called upon a second time.

Section 41. Section **53G-4-807** is amended to read:

53G-4-807. Backup liquidity arrangements -- Issuance of notes.

(1) (a) If, at the time the state is required to make a debt service payment under its guaranty on behalf of a local school board, sufficient money of the state is not on hand and available for that purpose, the state treasurer may:

(i) seek a loan from the Permanent School Fund sufficient to make the required payment; or

1702 (ii) issue state debt as provided in Subsection (2).

1703 (b) Nothing in this Subsection (1) requires the Permanent School Fund to lend money
1704 to the state treasurer.

1705 (2) (a) The state treasurer may issue state debt in the form of general obligation notes
1706 to meet its obligations under this part.

1707 (b) The amount of notes issued may not exceed the amount necessary to make payment
1708 on all bonds with respect to which the notes are issued plus all costs of issuance, sale, and
1709 delivery of the notes, rounded up to the nearest natural multiple of \$5,000.

1710 (c) Each series of notes issued may not mature later than 18 months from the date the
1711 notes are issued.

1712 (d) Notes issued may be refunded using the procedures set forth in this part for the
1713 issuance of notes, in an amount not more than the amount necessary to pay principal of and
1714 accrued but unpaid interest on any refunded notes plus all costs of issuance, sale, and delivery
1715 of the refunding notes, rounded up to the nearest natural multiple of \$5,000.

1716 (e) Each series of refunding notes may not mature later than 18 months from the date
1717 the refunding notes are issued.

1718 (3) (a) Before issuing or selling any general obligation note to other than a state fund or
1719 account, the state treasurer shall:

1720 (i) prepare a written plan of financing; and

1721 (ii) file it with the governor.

1722 (b) The plan of financing shall provide for:

1723 (i) the terms and conditions under which the notes will be issued, sold, and delivered;

1724 (ii) the taxes or revenues to be anticipated;

1725 (iii) the maximum amount of notes that may be outstanding at any one time under the
1726 plan of financing;

1727 (iv) the sources of payment of the notes;

1728 (v) the rate or rates of interest, if any, on the notes or a method, formula, or index under
1729 which the interest rate or rates on the notes may be determined during the time the notes are
1730 outstanding; and

1731 (vi) all other details relating to the issuance, sale, and delivery of the notes.

1732 (c) In identifying the taxes or revenues to be anticipated and the sources of payment of

1733 the notes in the financing plan, the state treasurer may include:

1734 (i) the taxes authorized by Section 53G-4-808;

1735 (ii) the intercepted revenues authorized by Section 53G-4-806;

1736 (iii) the proceeds of refunding notes; or

1737 (iv) any combination of Subsections (3)(c)(i), (ii), and (iii).

1738 (d) The state treasurer may include in the plan of financing the terms and conditions of

1739 arrangements entered into by the state treasurer on behalf of the state with financial and other

1740 institutions for letters of credit, standby letters of credit, reimbursement agreements, and

1741 remarketing, indexing, and tender agent agreements to secure the notes, including payment

1742 from any legally available source of fees, charges, or other amounts coming due under the

1743 agreements entered into by the state treasurer.

1744 (e) When issuing the notes, the state treasurer shall issue an order setting forth the

1745 interest, form, manner of execution, payment, manner of sale, prices at, above, or below face

1746 value, and all details of issuance of the notes.

1747 (f) The order and the details set forth in the order shall conform with any applicable

1748 plan of financing and with this part.

1749 (g) (i) Each note shall recite that it is a valid obligation of the state and that the full

1750 faith, credit, and resources of the state are pledged for the payment of the principal of and

1751 interest on the note from the taxes or revenues identified in accordance with its terms and the

1752 constitution and laws of Utah.

1753 (ii) These general obligation notes do not constitute debt of the state for the purposes of

1754 the 1.5% debt limitation of the Utah Constitution, Article XIV, Section 1.

1755 (h) Immediately upon the completion of any sale of notes, the state treasurer shall:

1756 (i) make a verified return of the sale to the state auditor, specifying the amount of notes

1757 sold, the persons to whom the notes were sold, and the price, terms, and conditions of the sale;

1758 and

1759 (ii) credit the proceeds of sale, other than accrued interest and amounts required to pay

1760 costs of issuance of the notes, to the General Fund to be applied to the purpose for which the

1761 notes were issued.

1762 Section 42. Section 53G-4-1003 is amended to read:

1763 **53G-4-1003. Funds raised -- Highest priority projects.**

(1) Funds raised by the school district in accordance with this part shall be used on the highest priority projects established by the district's five-year comprehensive capital outlay plan, which shall be approved by the ~~[State Board of Education]~~ state board.

(2) The plan must include appropriate priorities for the construction of minimal facilities for new students.

(3) If priority use of the funds raised by the district in accordance with this part does not provide minimal facilities as defined by the ~~[State Board of Education]~~ state board for students in any new and remote community established in the district, or for students in existing communities because of the location of new or expanded industries in the area, the district may enter into lease-purchase agreements or lease with option to purchase agreements with private builders to furnish the minimal facilities required by the district and approved by the ~~[State Board of Education]~~ state board.

(4) The district may make payments on these agreements from any of its otherwise uncommitted capital outlay funds.

Section 43. Section **53G-4-1004** is amended to read:

53G-4-1004. Minimal school facilities -- Lease-purchase or lease with option to purchase agreement authorized.

(1) If a school district is unable to find any private builder who is capable of furnishing minimal school facilities in new or existing communities, on terms acceptable to the district and to the ~~[State Board of Education]~~ state board, the developers of the industrial plant, or plants, may agree to provide minimal school facilities under a lease-purchase agreement or lease with option to purchase agreement with the district.

(2) The district shall pay the developers according to the terms of the agreement from sources listed for such payments in this part.

Section 44. Section **53G-4-1006** is amended to read:

53G-4-1006. Rules and regulations authorized.

The ~~[State Board of Education]~~ state board shall adopt all standards and rules necessary for the administration and enforcement of this part.

Section 45. Section **53G-5-102** is amended to read:

53G-5-102. Definitions.

As used in this chapter:

1795 (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and
1796 includes:

- 1797 (a) cash;
1798 (b) stock or other investments;
1799 (c) real property;
1800 (d) equipment and supplies;
1801 (e) an ownership interest;
1802 (f) a license;
1803 (g) a cause of action; and
1804 (h) any similar property.

1805 (2) "Board of trustees of a higher education institution" or "board of trustees" means:

- 1806 (a) the board of trustees of:
1807 (i) the University of Utah;
1808 (ii) Utah State University;
1809 (iii) Weber State University;
1810 (iv) Southern Utah University;
1811 (v) Snow College;
1812 (vi) Dixie State University;
1813 (vii) Utah Valley University; or
1814 (viii) Salt Lake Community College; or

1815 (b) the board of directors of a technical college described in Section 53B-2a-108.

1816 ~~[(3) "Charter agreement" or "charter" means an agreement made in accordance with~~
1817 ~~Section 53G-5-303 that authorizes the operation of a charter school.]~~

1818 ~~[(4)]~~ (3) "Charter school authorizer" or "authorizer" means an entity listed in Section
1819 53G-5-205 that authorizes a charter school.

1820 ~~[(5) "Governing board" means the board that operates a charter school.]~~

1821 Section 46. Section 53G-5-201 is amended to read:

1822 **53G-5-201. State Charter School Board created.**

1823 (1) As used in this section, "organization that represents Utah's charter schools" means
1824 an organization, except a governmental entity, that advocates for charter schools, charter school
1825 parents, or charter school students.

1826 (2) (a) The State Charter School Board is created consisting of the following members
1827 appointed by the governor with the consent of the Senate:

1828 (i) one member who has expertise in finance or small business management;

1829 (ii) three members who:

1830 (A) are nominated by an organization that represents Utah's charter schools; and

1831 (B) have expertise or experience in developing or administering a charter school;

1832 (iii) two members who are nominated by the ~~[State Board of Education]~~ state board;

1833 and

1834 (iv) one member who:

1835 (A) has expertise in personalized learning, including digital teaching and learning or
1836 deliberate practice; and

1837 (B) supports innovation in education.

1838 (b) Each appointee shall have demonstrated dedication to the purposes of charter
1839 schools as outlined in Section [53G-5-104](#).

1840 (c) At least two candidates shall be nominated for each appointment made under
1841 Subsection (2)(a)(ii) or (iii).

1842 (d) The governor may seek nominations for a prospective appointment under
1843 Subsection (2)(a)(ii) from one or more organizations that represent Utah's charter schools.

1844 (3) (a) State Charter School Board members shall serve four-year terms.

1845 (b) If a vacancy occurs, the governor shall, with the consent of the Senate, appoint a
1846 replacement for the unexpired term.

1847 (4) The governor may remove a member at any time for official misconduct, habitual
1848 or willful neglect of duty, or for other good and sufficient cause.

1849 (5) (a) The State Charter School Board shall annually elect a chair from its
1850 membership.

1851 (b) Four members of the ~~[board]~~ State Charter School Board shall constitute a quorum.

1852 (c) Meetings may be called by the chair or upon request of three members of the
1853 ~~[board]~~ State Charter School Board.

1854 (6) A member may not receive compensation or benefits for the member's service, but
1855 may receive per diem and travel expenses in accordance with:

1856 (a) Section [63A-3-106](#);

1857 (b) Section 63A-3-107; and
1858 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1859 63A-3-107.

1860 Section 47. Section 53G-5-203 is amended to read:

1861 **53G-5-203. State Charter School Board -- Staff director -- Facilities.**

1862 (1) (a) The State Charter School Board, with the consent of the state superintendent [of
1863 ~~public instruction~~], shall appoint a staff director for the State Charter School Board.

1864 (b) The State Charter School Board shall have authority to remove the staff director
1865 with the consent of the state superintendent [~~of public instruction~~].

1866 (c) The position of staff director is exempt from the career service provisions of Title
1867 67, Chapter 19, Utah State Personnel Management Act.

1868 (2) The state superintendent [~~of public instruction~~] shall provide space for staff of the
1869 State Charter School Board in facilities occupied by the [~~State Board of Education~~] state board
1870 or the [~~State Board of Education's~~] state board's employees, with costs charged for the facilities
1871 equal to those charged other sections and divisions under the [~~State Board of Education~~] state
1872 board.

1873 Section 48. Section 53G-5-205 is amended to read:

1874 **53G-5-205. Charter school authorizers -- Power and duties -- Charter application**
1875 **minimum standard.**

1876 (1) The following entities are eligible to authorize charter schools:

1877 (a) the State Charter School Board;

1878 (b) a local school board; or

1879 (c) a board of trustees of an institution in the state system of higher education as
1880 described in Section 53B-1-102.

1881 (2) A charter school authorizer shall:

1882 (a) annually review and evaluate the performance of charter schools authorized by the
1883 authorizer and hold a charter school accountable for the school's performance; and

1884 (b) monitor charter schools authorized by the authorizer for compliance with federal
1885 and state laws, rules, and regulations.

1886 (3) A charter school authorizer may:

1887 (a) authorize and promote the establishment of charter schools, subject to the

1888 provisions in this part;

1889 (b) make recommendations on legislation and rules pertaining to charter schools to the
1890 Legislature and [~~State Board of Education~~] state board, respectively;

1891 (c) make recommendations to the [~~State Board of Education~~] state board on the
1892 funding of charter schools;

1893 (d) provide technical support to charter schools and persons seeking to establish charter
1894 schools by:

1895 (i) identifying and promoting successful charter school models;

1896 (ii) facilitating the application and approval process for charter school authorization;

1897 (iii) directing charter schools and persons seeking to establish charter schools to
1898 sources of funding and support;

1899 (iv) reviewing and evaluating proposals to establish charter schools for the purpose of
1900 supporting and strengthening proposals before an application for charter school authorization is
1901 submitted to a charter school authorizer; or

1902 (v) assisting charter schools to understand and carry out their charter obligations; or

1903 (e) provide technical support, as requested, to another charter school authorizer relating
1904 to charter schools.

1905 (4) Within 60 days after an authorizer's approval of an application for a new charter
1906 school, the [~~State Board of Education~~] state board may direct an authorizer to do the following
1907 if the authorizer or charter school applicant failed to follow statutory or state board rule
1908 requirements:

1909 (a) reconsider the authorizer's approval of an application for a new charter school; and

1910 (b) correct deficiencies in the charter school application or authorizer's application
1911 process as described in statute or state board rule before approving the new application.

1912 (5) The [~~State Board of Education~~ state board ~~shall, in accordance with Title 63G,~~
1913 ~~Chapter 3, Utah Administrative Rulemaking Act,~~] state board shall make rules establishing
1914 minimum standards that a charter school authorizer is required to apply when:

1915 (a) evaluating a charter school application; or

1916 (b) monitoring charter school compliance.

1917 (6) The minimum standards described in Subsection (5) shall include:

1918 (a) reasonable consequences for an authorizer that fails to comply with statute or state

1919 board rule;
1920 (b) a process for an authorizer to review:
1921 (i) the skill and expertise of a proposed charter school's governing board; and
1922 (ii) the functioning operation of the charter school governing board of an authorized
1923 charter school;

1924 (c) a process for an authorizer to review the financial viability of a proposed charter
1925 school and of an authorized charter school;

1926 (d) a process to evaluate:
1927 (i) how well an authorizer's authorized charter school complies with the charter
1928 school's charter agreement;
1929 (ii) whether an authorizer's authorized charter school maintains reasonable academic
1930 standards; and

1931 (iii) standards that an authorizer is required to meet to demonstrate the authorizer's
1932 capacity to oversee, monitor, and evaluate the charter schools the authorizer authorizes.

1933 Section 49. Section **53G-5-301** is amended to read:

1934 **53G-5-301. State Charter School Board to request applications for certain types**
1935 **of charter schools.**

1936 (1) To meet the unique learning styles and needs of students, the State Charter School
1937 Board shall seek to expand the types of instructional methods and programs offered by schools,
1938 as provided in this section.

1939 (2) (a) The State Charter School Board shall request individuals, groups of individuals,
1940 or not-for-profit legal entities to submit an application to the State Charter School Board to
1941 establish a charter school that employs new and creative methods to meet the unique learning
1942 styles and needs of students, such as:

1943 (i) a military charter school;
1944 (ii) a charter school whose mission is to enhance learning opportunities for students at
1945 risk of academic failure;

1946 (iii) a charter school whose focus is career and technical education;

1947 (iv) a single gender charter school; or

1948 (v) a charter school with an international focus that provides opportunities for the
1949 exchange of students or teachers.

(b) In addition to a charter school identified in Subsection (2)(a), the State Charter School Board shall request applications for other types of charter schools that meet the unique learning styles and needs of students.

(3) The State Charter School Board shall publicize a request for applications to establish a charter school specified in Subsection (2).

(4) A charter school application submitted pursuant to Subsection (2) shall be subject to the application and approval procedures specified in Section 53G-5-304.

(5) The State Charter School Board and the ~~[State Board of Education]~~ state board may approve one or more applications for each charter school specified in Subsection (2), subject to the Legislature appropriating funds for, or authorizing, an increase in charter school enrollment capacity as provided in Section 53G-6-504.

(6) The ~~[State Board of Education]~~ state board shall submit a request to the Legislature to appropriate funds for, or authorize, the enrollment of students in charter schools tentatively approved under this section.

Section 50. Section 53G-5-302 is amended to read:

53G-5-302. Charter school application -- Applicants -- Contents.

(1) (a) An application to establish a charter school may be submitted by:

(i) an individual;

(ii) a group of individuals; or

(iii) a nonprofit legal entity organized under Utah law.

(b) An authorized charter school may apply under this chapter for a charter from another charter school authorizer.

(2) A charter school application shall include:

(a) the purpose and mission of the school;

(b) except for a charter school authorized by a local school board, a statement that, after entering into a charter agreement, the charter school will be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;

(c) a description of the governance structure of the school, including:

(i) a list of the charter school governing board members that describes the qualifications of each member; and

(ii) an assurance that the applicant shall, within 30 days of authorization, complete a

1981 background check for each member consistent with Section 53G-5-408;
1982 (d) a description of the target population of the school that includes:
1983 (i) the projected maximum number of students the school proposes to enroll;
1984 (ii) the projected school enrollment for each of the first three years of school operation;
1985 and
1986 (iii) the ages or grade levels the school proposes to serve;
1987 (e) academic goals;
1988 (f) qualifications and policies for school employees, including policies that:
1989 (i) comply with the criminal background check requirements described in Section
1990 53G-5-408;
1991 (ii) require employee evaluations;
1992 (iii) address employment of relatives within the charter school; and
1993 (iv) address human resource management and ensure that:
1994 (A) at least one of the school's employees or another person is assigned human
1995 resource management duties, as defined in Section 17B-1-805; and
1996 (B) the assigned employee or person described in Subsection (2)(f)(iv)(A) receives
1997 human resource management training, as defined in Section 17B-1-805;
1998 (g) a description of how the charter school will provide, as required by state and federal
1999 law, special education and related services;
2000 (h) for a public school converting to charter status, arrangements for:
2001 (i) students who choose not to continue attending the charter school; and
2002 (ii) teachers who choose not to continue teaching at the charter school;
2003 (i) a statement that describes the charter school's plan for establishing the charter
2004 school's facilities, including:
2005 (i) whether the charter school intends to lease or purchase the charter school's facilities;
2006 and
2007 (ii) financing arrangements;
2008 (j) a market analysis of the community the school plans to serve;
2009 (k) a business plan;
2010 (l) other major issues involving the establishment and operation of the charter school;
2011 and

2012 (m) the signatures of the charter school governing board members [~~of the charter~~
2013 ~~school~~].

2014 (3) A charter school authorizer may require a charter school application to include:

2015 (a) the charter school's proposed:

2016 (i) curriculum;

2017 (ii) instructional program; or

2018 (iii) delivery methods;

2019 (b) a method for assessing whether students are reaching academic goals, including, at

2020 a minimum, administering the statewide assessments described in Section [53E-4-301](#);

2021 (c) a proposed calendar;

2022 (d) sample policies;

2023 (e) a description of opportunities for parental involvement;

2024 (f) a description of the school's administrative, supervisory, or other proposed services

2025 that may be obtained through service providers; or

2026 (g) other information that demonstrates an applicant's ability to establish and operate a

2027 charter school.

2028 Section 51. Section **53G-5-303** is amended to read:

2029 **53G-5-303. Charter agreement -- Content -- Modification.**

2030 (1) As used in this section, "satellite charter school" means a charter school affiliated

2031 with an operating charter school, which has the same charter school governing board and a

2032 similar program of instruction, but has a different school number than the affiliated charter.

2033 (2) A charter agreement:

2034 (a) is a contract between the charter school applicant and the charter school authorizer;

2035 (b) shall describe the rights and responsibilities of each party; and

2036 (c) shall allow for the operation of the applicant's proposed charter school.

2037 (3) A charter agreement shall include:

2038 (a) the name of:

2039 (i) the charter school; and

2040 (ii) the charter school applicant;

2041 (b) the mission statement and purpose of the charter school;

2042 (c) the charter school's opening date;

2043 (d) the grade levels the charter school will serve;

2044 (e) (i) subject to Section 53G-6-504, the maximum number of students a charter school

2045 will serve; or

2046 (ii) for an operating charter school with satellite charter schools, the maximum number

2047 of students of all satellite charter schools collectively served by the operating charter school;

2048 (f) a description of the structure of the charter school governing board, including:

2049 (i) the number of charter school governing board members;

2050 (ii) how members of the charter school governing board are appointed; and

2051 (iii) charter school governing board members' terms of office;

2052 (g) assurances that:

2053 (i) the charter school governing board will comply with:

2054 (A) the charter school's bylaws;

2055 (B) the charter school's articles of incorporation; and

2056 (C) applicable federal law, state law, and [~~State Board of Education~~] state board rules;

2057 (ii) the charter school governing board will meet all reporting requirements described

2058 in Section 53G-5-404; and

2059 (iii) except as provided in Part 6, Charter School Credit Enhancement Program, neither

2060 the authorizer nor the state, including an agency of the state, is liable for the debts or financial

2061 obligations of the charter school or a person who operates the charter school;

2062 (h) which administrative rules the [~~State Board of Education~~] state board will waive for

2063 the charter school;

2064 (i) minimum financial standards for operating the charter school;

2065 (j) minimum standards for student achievement; and

2066 (k) signatures of the charter school authorizer and the charter school governing board

2067 members.

2068 (4) (a) Except as provided in Subsection (4)(b), a charter agreement may not be

2069 modified except by mutual agreement between the charter school authorizer and the charter

2070 school governing board.

2071 (b) A charter school governing board may modify the charter school's charter

2072 agreement without the mutual agreement described in Subsection (4)(a) to include an

2073 enrollment preference described in Subsection 53G-6-502(4)(g).

2074 Section 52. Section **53G-5-304** is amended to read:

2075 **53G-5-304. Charter schools authorized by the State Charter School Board --**

2076 **Application process -- Prohibited basis of application denial.**

2077 (1) (a) An applicant seeking authorization of a charter school from the State Charter
2078 School Board shall provide a copy of the application to the local school board of the school
2079 district in which the proposed charter school shall be located either before or at the same time it
2080 files its application with the State Charter School Board.

2081 (b) The local school board may review the application and may offer suggestions or
2082 recommendations to the applicant or the State Charter School Board prior to its acting on the
2083 application.

2084 (c) The State Charter School Board shall give due consideration to suggestions or
2085 recommendations made by the local school board under Subsection (1)(b).

2086 (d) The State Charter School Board shall review and, by majority vote, either approve
2087 or deny the application.

2088 (e) A charter school application may not be denied on the basis that the establishment
2089 of the charter school will have any or all of the following impacts on a public school, including
2090 another charter school:

- 2091 (i) an enrollment decline;
2092 (ii) a decrease in funding; or
2093 (iii) a modification of programs or services.

2094 (2) The [~~State Board of Education shall, in accordance with Title 63G, Chapter 3, Utah~~
2095 ~~Administrative Rulemaking Act,~~] state board shall make a rule providing a timeline for the
2096 opening of a charter school following the approval of a charter school application by the State
2097 Charter School Board.

2098 (3) After approval of a charter school application and in accordance with Section
2099 **53G-5-303**, the applicant and the State Charter School Board shall set forth the terms and
2100 conditions for the operation of the charter school in a written charter agreement.

2101 (4) The State Charter School Board shall, in accordance with [~~State Board of~~
2102 ~~Education~~] state board rules, establish and make public the State Charter School Board's:

- 2103 (a) application requirements, in accordance with Section **53G-5-302**;
2104 (b) application process, including timelines, in accordance with this section; and

2105 (c) minimum academic, financial, and enrollment standards.

2106 Section 53. Section **53G-5-305** is amended to read:

2107 **53G-5-305. Charters authorized by local school boards -- Application process --**
2108 **Local school board responsibilities.**

2109 (1) (a) An applicant identified in Section **53G-5-302** may submit an application to a
2110 local school board to establish and operate a charter school within the geographical boundaries
2111 of the school district administered by the local school board.

2112 (b) (i) The principal, teachers, or parents of students at an existing public school may
2113 submit an application to the local school board to convert the school or a portion of the school
2114 to charter status.

2115 (A) If the entire school is applying for charter status, at least two-thirds of the licensed
2116 educators employed at the school and at least two-thirds of the parents [~~or guardians~~] of
2117 students enrolled at the school must have signed a petition approving the application prior to its
2118 submission to the charter school authorizer.

2119 (B) If only a portion of the school is applying for charter status, the percentage is
2120 reduced to a simple majority.

2121 (ii) The local school board may not approve an application submitted under Subsection
2122 (1)(b)(i) unless the local school board determines that:

2123 (A) students opting not to attend the proposed converted school would have access to a
2124 comparable public education alternative; and

2125 (B) current teachers who choose not to teach at the converted charter school or who are
2126 not retained by the school at the time of its conversion would receive a first preference for
2127 transfer to open teaching positions for which they qualify within the school district, and, if no
2128 positions are open, contract provisions or local school board policy regarding reduction in staff
2129 would apply.

2130 (2) (a) An existing public school that converts to charter status under a charter granted
2131 by a local school board may:

2132 (i) continue to receive the same services from the school district that it received prior to
2133 its conversion; or

2134 (ii) contract out for some or all of those services with other public or private providers.

2135 (b) Any other charter school authorized by a local school board may contract with the

2136 local school board to receive some or all of the services referred to in Subsection (2)(a).

2137 (c) Except as specified in a charter agreement, local school board assets do not transfer
2138 to an existing public school that converts to charter status under a charter granted by a local
2139 school board under this section.

2140 (3) (a) A local school board that receives an application for a charter school under this
2141 section shall, within 45 days, either accept or reject the application.

2142 (b) If the local school board rejects the application, it shall notify the applicant in
2143 writing of the reason for the rejection.

2144 (c) The applicant may submit a revised application for reconsideration by the local
2145 school board.

2146 (d) If the local school board refuses to authorize the applicant, the applicant may seek a
2147 charter from another authorizer.

2148 (4) The [~~State Board of Education~~] state board shall make a rule providing for a
2149 timeline for the opening of a charter school following the approval of a charter school
2150 application by a local school board.

2151 (5) After approval of a charter school application and in accordance with Section
2152 [53G-5-303](#), the applicant and the local school board shall set forth the terms and conditions for
2153 the operation of the charter school in a written charter agreement.

2154 (6) A local school board may terminate a charter school it authorizes as provided in
2155 Sections [53G-5-501](#) and [53G-5-503](#).

2156 (7) In addition to the exemptions described in Sections [53G-5-405](#), [53G-7-202](#), and
2157 [53G-5-407](#), a charter school authorized by a local school board is:

2158 (a) not required to separately submit a report or information required under this public
2159 education code to the [~~State Board of Education~~] state board if the information is included in a
2160 report or information that is submitted by the local school board or school district; and

2161 (b) exempt from the requirement under Section [53G-5-404](#) that a charter school shall
2162 be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation
2163 Act.

2164 (8) Before a local school board accepts a charter school application, the local school
2165 board shall, in accordance with [~~State Board of Education~~] state board rules, establish and
2166 make public the local school board's:

- (a) application requirements, in accordance with Section 53G-5-302;
- (b) application process, including timelines, in accordance with this section; and
- (c) minimum academic, financial, and enrollment standards.

Section 54. Section 53G-5-306 is amended to read:

53G-5-306. Charter schools authorized by a board of trustees of a higher education institution -- Application process -- Board of trustees responsibilities.

(1) Except as provided in Subsection (6), an applicant identified in Section 53G-5-302 may enter into an agreement with a board of trustees of a higher education institution authorizing the applicant to establish and operate a charter school.

(2) (a) An applicant applying for authorization from a board of trustees to establish and operate a charter school shall provide a copy of the application to the State Charter School Board and the local school board of the school district in which the proposed charter school will be located either before or at the same time the applicant files the application with the board of trustees.

(b) The State Charter School Board and the local school board may review the application and offer suggestions or recommendations to the applicant or the board of trustees before acting on the application.

(c) The board of trustees shall give due consideration to suggestions or recommendations made by the State Charter School Board or the local school board under Subsection (2)(b).

(3) The ~~[State Board of Education]~~ state board shall make a rule providing a timeline for the opening of a charter school following the approval of a charter school application by a board of trustees.

(4) After approval of a charter school application, the applicant and the board of trustees shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.

(5) (a) The school's charter agreement may include a provision that the charter school pay an annual fee for the board of trustees' costs in providing oversight of, and technical support to, the charter school in accordance with Section 53G-5-205.

(b) In the first two years that a charter school is in operation, an annual fee described in Subsection (5)(a) may not exceed the product of 3% of the revenue the charter school receives

2198 from the state in the current fiscal year.

2199 (c) Beginning with the third year that a charter school is in operation, an annual fee
2200 described in Subsection (5)(a) may not exceed the product of 1% of the revenue a charter
2201 school receives from the state in the current fiscal year.

2202 (d) An annual fee described in Subsection (5)(a) shall be:

2203 (i) paid to the board of trustees' higher education institution; and

2204 (ii) expended as directed by the board of trustees.

2205 (6) (a) In addition to complying with the requirements of this section, a technical
2206 college board of directors described in Section [53B-2a-108](#) shall obtain the approval of the
2207 Utah System of Technical Colleges Board of Trustees before entering into an agreement to
2208 establish and operate a charter school.

2209 (b) If a technical college board of directors approves an application to establish and
2210 operate a charter school, the technical college board of directors shall submit the application to
2211 the Utah System of Technical Colleges Board of Trustees.

2212 (c) The Utah System of Technical Colleges Board of Trustees shall, by majority vote,
2213 within 60 days of receipt of an application described in Subsection (6)(b), approve or deny the
2214 application.

2215 (d) The Utah System of Technical Colleges Board of Trustees may deny an application
2216 approved by a technical college board of directors if the proposed charter school does not
2217 accomplish a purpose of charter schools as provided in Section [53G-5-104](#).

2218 (e) A charter school application may not be denied on the basis that the establishment
2219 of the charter school will have any or all of the following impacts on a public school, including
2220 another charter school:

2221 (i) an enrollment decline;

2222 (ii) a decrease in funding; or

2223 (iii) a modification of programs or services.

2224 (7) (a) Subject to the requirements of this chapter and other related provisions, a
2225 technical college board of directors may establish:

2226 (i) procedures for submitting applications to establish and operate a charter school; or

2227 (ii) criteria for approval of an application to establish and operate a charter school.

2228 (b) The Utah System of Technical Colleges Board of Trustees may not establish policy

2229 governing the procedures or criteria described in Subsection (7)(a).

2230 (8) Before a technical college board of directors accepts a charter school application,
2231 the technical college board of directors shall, in accordance with [~~State Board of Education~~]
2232 state board rules, establish and make public:

2233 (a) application requirements, in accordance with Section 53G-5-302;

2234 (b) the application process, including timelines, in accordance with this section; and

2235 (c) minimum academic, financial, and enrollment standards.

2236 Section 55. Section 53G-5-403 is amended to read:

2237 **53G-5-403. Charter school assets.**

2238 (1) (a) A charter school may receive, hold, manage, and use any devise, bequest, grant,
2239 endowment, gift, or donation of any asset made to the school for any of the purposes of this
2240 chapter and other related provisions.

2241 (b) Unless a donor or grantor specifically provides otherwise in writing, all assets
2242 described in Subsection (1)(a) shall be presumed to be made to the charter school and shall be
2243 included in the charter school's assets.

2244 (2) It is unlawful for any person affiliated with a charter school to demand or request
2245 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated
2246 with the charter school as a condition for employment or enrollment at the school or continued
2247 attendance at the school.

2248 (3) All assets purchased with charter school funds shall be included in the charter
2249 school's assets.

2250 (4) A charter school may not dispose of its assets in violation of the provisions of this
2251 chapter or other related provisions, state board rules, policies of its charter school authorizer, or
2252 its charter agreement, including the provisions governing the closure of a charter school under
2253 Section 53G-5-504.

2254 Section 56. Section 53G-5-404 is amended to read:

2255 **53G-5-404. Requirements for charter schools.**

2256 (1) A charter school shall be nonsectarian in its programs, admission policies,
2257 employment practices, and operations.

2258 (2) A charter school may not charge tuition or fees, except those fees normally charged
2259 by other public schools.

(3) A charter school shall meet all applicable federal, state, and local health, safety, and civil rights requirements.

(4) (a) A charter school shall make the same annual reports required of other public schools under this public education code, including an annual financial audit report.

(b) A charter school shall file its annual financial audit report with the Office of the State Auditor within six months of the end of the fiscal year.

(5) (a) A charter school shall be accountable to the charter school's authorizer for performance as provided in the school's charter agreement.

(b) To measure the performance of a charter school, an authorizer may use data contained in:

(i) the charter school's annual financial audit report;

(ii) a report submitted by the charter school as required by statute; or

(iii) a report submitted by the charter school as required by its charter agreement.

(c) A charter school authorizer may not impose performance standards, except as permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully accomplish the purposes of charter schools as provided in Section 53G-5-104 or as otherwise provided in law.

(6) A charter school may not advocate unlawful behavior.

(7) Except as provided in Section 53G-5-305, a charter school shall be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, after its authorization.

(8) A charter school shall provide adequate liability and other appropriate insurance.

(9) Beginning on July 1, 2014, a charter school shall submit any lease, lease-purchase agreement, or other contract or agreement relating to the charter school's facilities or financing of the charter school's facilities to the school's authorizer and an attorney for review and advice prior to the charter school entering into the lease, agreement, or contract.

(10) A charter school may not employ an educator whose license has been suspended or revoked by the [~~State Board of Education~~] state board under Section 53E-6-604.

(11) (a) Each charter school shall register and maintain the charter school's registration as a limited purpose entity, in accordance with Section 67-1a-15.

(b) A charter school that fails to comply with Subsection (11)(a) or Section 67-1a-15 is

subject to enforcement by the state auditor, in accordance with Section 67-3-1.

Section 57. Section 53G-5-405 is amended to read:

53G-5-405. Application of statutes and rules to charter schools.

(1) A charter school shall operate in accordance with its charter agreement and is subject to this public education code and other state laws applicable to public schools, except as otherwise provided in this chapter and other related provisions.

(2) (a) Except as provided in Subsection (2)(b), [~~State Board of Education~~] state board rules governing the following do not apply to a charter school:

(i) school libraries;

(ii) required school administrative and supervisory services; and

(iii) required expenditures for instructional supplies.

(b) A charter school shall comply with rules implementing statutes that prescribe how state appropriations may be spent.

(3) The following provisions of this public education code, and rules adopted under those provisions, do not apply to a charter school:

(a) Sections 53G-7-1202 and 53G-7-1204, requiring the establishment of a school community council and school improvement plan;

(b) Section 53G-4-409, requiring the use of activity disclosure statements;

(c) Section 53G-7-606, requiring notification of intent to dispose of textbooks;

(d) Section 53G-10-404, requiring annual presentations on adoption;

(e) Sections 53G-7-304 and 53G-7-306 pertaining to fiscal procedures of school districts and local school boards; and

(f) Section 53E-4-408, requiring an independent evaluation of instructional materials.

(4) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter school is considered an educational procurement unit as defined in Section 63G-6a-103.

(5) Each charter school shall be subject to:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63G, Chapter 2, Government Records Access and Management Act.

(6) A charter school is exempt from Section 51-2a-201.5, requiring accounting reports of certain nonprofit corporations. A charter school is subject to the requirements of Section 53G-5-404.

(7) (a) The State Charter School Board shall, in concert with the charter schools, study existing state law and administrative rules for the purpose of determining from which laws and rules charter schools should be exempt.

(b) (i) The State Charter School Board shall present recommendations for exemption to the ~~[State Board of Education]~~ state board for consideration.

(ii) The ~~[State Board of Education]~~ state board shall consider the recommendations of the State Charter School Board and respond within 60 days.

Section 58. Section **53G-5-406** is amended to read:

53G-5-406. Accountability -- Rules.

~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and after consultation with chartering entities, the State Board of Education shall]~~ The state board shall, after consultation with chartering entities, make rules that:

(1) require a charter school to develop an accountability plan, approved by its charter school authorizer, during its first year of operation;

(2) require an authorizer to:

(a) visit a charter school at least once during:

(i) its first year of operation; and

(ii) the review period described under Subsection (3); and

(b) provide written reports to its charter schools after the visits; and

(3) establish a review process that is required of a charter school once every five years by its authorizer.

Section 59. Section **53G-5-407** is amended to read:

53G-5-407. Employees of charter schools.

(1) A charter school shall select its own employees.

(2) The ~~[school's]~~ charter school governing board shall determine the level of compensation and all terms and conditions of employment, except as otherwise provided in Subsections (7) and (8) and under this chapter and other related provisions.

(3) The following statutes governing public employees and officers do not apply to a charter school:

(a) Chapter 11, Part 5, School District and ~~[USDB]~~ Utah Schools for the Deaf and the Blind Employee Requirements; and

2353 (b) Title 52, Chapter 3, Prohibiting Employment of Relatives.
2354 (4) (a) To accommodate differentiated staffing and better meet student needs, a charter
2355 school, under rules adopted by the ~~[State Board of Education]~~ state board, shall employ
2356 teachers who are licensed.

2357 (b) The ~~[school's]~~ charter school governing board shall disclose the qualifications of its
2358 teachers to the parents of its students.

2359 (5) ~~[State Board of Education]~~ State board rules governing the licensing or certification
2360 of administrative and supervisory personnel do not apply to charter schools.

2361 (6) (a) An employee of a school district may request a leave of absence in order to
2362 work in a charter school upon approval of the local school board.

2363 (b) While on leave, the employee may retain seniority accrued in the school district and
2364 may continue to be covered by the benefit program of the district if the charter school and the
2365 ~~[locally-elected]~~ local school board mutually agree.

2366 (7) (a) A proposed or authorized charter school may elect to participate as an employer
2367 for retirement programs under:

2368 (i) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;
2369 (ii) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and
2370 (iii) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.

2371 (b) An election under this Subsection (7):
2372 (i) shall be documented by a resolution adopted by the charter school governing board
2373 ~~[of the charter school]~~; and
2374 (ii) applies to the charter school as the employer and to all employees of the charter
2375 school.

2376 (c) The charter school governing board ~~[of a charter school]~~ may offer employee
2377 benefit plans for its employees:

2378 (i) under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act;
2379 or
2380 (ii) under any other program.

2381 (8) A charter school may not revoke an election to participate made under Subsection
2382 (7).

2383 (9) The charter school governing board ~~[of a charter school]~~ shall ensure that, prior to

2384 the beginning of each school year:

2385 (a) each of the charter school's employees signs a document acknowledging that the
2386 employee:

2387 (i) has received:

2388 (A) the disclosure required under Section 63A-4-204.5 if the charter school participates
2389 in the Risk Management Fund; or

2390 (B) written disclosure similar to the disclosure required under Section 63A-4-204.5 if
2391 the charter school does not participate in the Risk Management Fund; and

2392 (ii) understands the legal liability protection provided to the employee and what is not
2393 covered, as explained in the disclosure; and

2394 (b) (i) at least one of the charter school's employees or another person is assigned
2395 human resource management duties, as defined in Section 17B-1-805; and

2396 (ii) the assigned employee or person described in Subsection (9)(b)(i) receives human
2397 resource management training, as defined in Section 17B-1-805.

2398 Section 60. Section 53G-5-408 is amended to read:

2399 **53G-5-408. Criminal background checks on school personnel.**

2400 The following individuals are required to submit to a criminal background check and
2401 ongoing monitoring as provided in Section 53G-11-402:

2402 (1) an employee of a charter school who does not hold a current Utah educator license
2403 issued by the [~~State Board of Education~~] state board under Title 53E, Chapter 6, Education
2404 Professional Licensure;

2405 (2) a volunteer for a charter school who is given significant unsupervised access to a
2406 student in connection with the volunteer's assignment;

2407 (3) a contract employee, as defined in Section 53G-11-401, who works at a charter
2408 school; and

2409 (4) a charter school governing board member.

2410 Section 61. Section 53G-5-409 is amended to read:

2411 **53G-5-409. Regulated transactions and relationships -- Definitions --**

2412 **Rulemaking.**

2413 (1) As used in this section:

2414 (a) "Charter school officer" means:

2415 (i) a member of a charter school's governing board;
2416 (ii) a member of a board or an officer of a nonprofit corporation under which a charter
2417 school is organized and managed; or
2418 (iii) the chief administrative officer of a charter school.

2419 (b) (i) "Employment" means a position in which a person's salary, wages, pay, or
2420 compensation, whether as an employee or contractor, is paid from charter school funds.
2421 (ii) "Employment" does not include a charter school volunteer.

2422 (c) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother,
2423 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
2424 sister-in-law, son-in-law, or daughter-in-law.

2425 (2) (a) Except as provided in Subsection (2)(b), a relative of a charter school officer
2426 may not be employed at a charter school.

2427 (b) If a relative of a charter school officer is to be considered for employment in a
2428 charter school, the charter school officer shall:

2429 (i) disclose the relationship, in writing, to the other charter school officers;
2430 (ii) submit the employment decision to the charter school's governing board for the
2431 approval, by majority vote, of the charter school's governing board;
2432 (iii) abstain from voting on the issue; and
2433 (iv) be absent from the portion of the meeting where the employment is being
2434 considered and determined.

2435 (3) (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school officer or a
2436 relative of a charter school officer may not have a financial interest in a contract or other
2437 transaction involving a charter school in which the charter school officer serves as a charter
2438 school officer.

2439 (b) If a charter school's governing board considers entering into a contract or executing
2440 a transaction in which a charter school officer or a relative of a charter school officer has a
2441 financial interest, the charter school officer shall:

2442 (i) disclose the financial interest, in writing, to the other charter school officers;
2443 (ii) submit the contract or transaction decision to the charter school's governing board
2444 for the approval, by majority vote, of the charter school's governing board;
2445 (iii) abstain from voting on the issue; and

2446 (iv) be absent from the portion of the meeting where the contract or transaction is being
2447 considered and determined.

2448 (c) The provisions in Subsection (3)(a) do not apply to a reasonable contract of
2449 employment for:

2450 (i) the chief administrative officer of a charter school; or

2451 (ii) a relative of the chief administrative officer of a charter school whose employment
2452 is approved in accordance with the provisions in Subsection (2).

2453 (4) The [~~State Board of Education~~] state board or State Charter School Board may not
2454 operate a charter school.

2455 Section 62. Section **53G-5-410** is amended to read:

2456 **53G-5-410. Safe technology utilization and digital citizenship.**

2457 A charter school governing board, or a council formed by a charter school governing
2458 board to prepare a plan for the use of School LAND Trust Program money under Section
2459 **53G-7-1206**:

2460 (1) shall provide for education and awareness on safe technology utilization and digital
2461 citizenship that empowers:

2462 (a) a student to make smart media and online choices; and

2463 (b) a parent [~~or guardian~~] to know how to discuss safe technology use with the parent's
2464 [~~or guardian's~~] child;

2465 (2) shall partner with the school's principal and other administrators to ensure that
2466 adequate on and off campus Internet filtering is installed and consistently configured to prevent
2467 viewing of harmful content by students and school personnel, in accordance with charter school
2468 governing board policy and Subsection **53G-7-216**(3); and

2469 (3) may partner with one or more non-profit organizations to fulfill the duties described
2470 in Subsections (1) and (2).

2471 Section 63. Section **53G-5-411** is amended to read:

2472 **53G-5-411. Charter school fiscal year -- Statistical reports.**

2473 (1) A charter school's fiscal year begins on July 1 and ends on June 30.

2474 (2) (a) A charter school shall forward statistical reports for the preceding school year,
2475 containing items required by law or by the [~~State Board of Education~~] state board, to the state
2476 superintendent on or before November 1 of each year.

2477 (b) The reports shall include information to enable the state superintendent to complete
2478 the statement required under Subsection 53E-3-301(3)(d)(v).

2479 (3) A charter school shall forward the accounting report required under Section
2480 51-2a-201 to the state superintendent on or before October 15 of each year.

2481 Section 64. Section 53G-5-501 is amended to read:

2482 **53G-5-501. Noncompliance -- Rulemaking.**

2483 (1) If a charter school is found to be out of compliance with the requirements of
2484 Section 53G-5-404 or the school's charter agreement, the charter school authorizer shall notify
2485 the following in writing that the charter school has a reasonable time to remedy the deficiency,
2486 except as otherwise provided in Subsection 53G-5-503(4):

2487 (a) the charter school governing board [~~of the charter school~~]; and

2488 (b) if the charter school is a qualifying charter school with outstanding bonds issued in
2489 accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School
2490 Finance Authority.

2491 (2) If the charter school does not remedy the deficiency within the established timeline,
2492 the authorizer may:

2493 (a) subject to the requirements of Subsection (4), take one or more of the following
2494 actions:

2495 (i) remove a charter school director or finance officer;

2496 (ii) remove a charter school governing board member; or

2497 (iii) appoint an interim director or mentor to work with the charter school; or

2498 (b) subject to the requirements of Section 53G-5-503, terminate the school's charter
2499 agreement.

2500 (3) The costs of an interim director or mentor appointed pursuant to Subsection (2)(a)
2501 shall be paid from the funds of the charter school for which the interim director or mentor is
2502 working.

2503 (4) The authorizer shall notify the Utah Charter School Finance Authority before the
2504 authorizer takes an action described in Subsections (2)(a)(i) through (iii) if the charter school is
2505 a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter
2506 School Credit Enhancement Program.

2507 (5) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

2508 ~~the State Board of Education]~~ The state board shall make rules:

- 2509 (a) specifying the timeline for remedying deficiencies under Subsection (1); and
2510 (b) ensuring the compliance of a charter school with its approved charter agreement.

2511 Section 65. Section **53G-5-502** is amended to read:

2512 **53G-5-502. Voluntary school improvement process.**

2513 (1) As used in this section, "high performing charter school" means a charter school
2514 that:

2515 (a) satisfies all requirements of state law and ~~[State Board of Education]~~ state board
2516 rules;

2517 (b) has operated for at least three years meeting the terms of the school's charter
2518 agreement; and

2519 (c) is in good standing with the charter school's authorizer.

2520 (2) (a) Subject to Subsection (2)(b), a charter school governing board may voluntarily
2521 request the charter school's authorizer to place the school in a school improvement process.

2522 (b) A charter school governing board shall provide notice and a hearing on the charter
2523 school governing board's intent to make a request under Subsection (2)(a) to parents ~~[and~~
2524 guardians] of students enrolled in the charter school.

2525 (3) An authorizer may grant a charter school governing board's request to be placed in
2526 a school improvement process if the charter school governing board has provided notice and a
2527 hearing under Subsection (2)(b).

2528 (4) An authorizer that has entered into a school improvement process with a charter
2529 school governing board shall:

2530 (a) enter into a contract with the charter school governing board on the terms of the
2531 school improvement process;

2532 (b) notify the ~~[State Board of Education]~~ state board that the authorizer has entered into
2533 a school improvement process with the charter school governing board;

2534 (c) make a report to a committee of the ~~[State Board of Education]~~ state board
2535 regarding the school improvement process; and

2536 (d) notify the Utah Charter School Finance Authority that the authorizer has entered
2537 into a school improvement process with the charter school governing board if the charter
2538 school is a qualifying charter school with outstanding bonds issued in accordance with Part 6,

2539 Charter School Credit Enhancement Program.

2540 (5) Upon notification under Subsection (4)(b), and after the report described in
2541 Subsection (4)(c), the [~~State Board of Education~~] state board shall notify charter schools and
2542 the school district in which the charter school is located that the charter school governing board
2543 has entered into a school improvement process with the charter school's authorizer.

2544 (6) A high performing charter school or the school district in which the charter school
2545 is located may apply to the charter school governing board to assume operation and control of
2546 the charter school that has been placed in a school improvement process.

2547 (7) A charter school governing board that has entered into a school improvement
2548 process shall review applications submitted under Subsection (6) and submit a proposal to the
2549 charter school's authorizer to:

2550 (a) terminate the school's charter, notwithstanding the requirements of Section
2551 53G-5-503; and

2552 (b) transfer operation and control of the charter school to:

2553 (i) the school district in which the charter school is located; or

2554 (ii) a high performing charter school.

2555 (8) Except as provided in Subsection (9) and subject to Subsection (10), an authorizer
2556 may:

2557 (a) approve a charter school governing board's proposal under Subsection (7); or

2558 (b) (i) deny a charter school governing board's proposal under Subsection (7); and

2559 (ii) (A) terminate the school's charter agreement in accordance with Section
2560 53G-5-503;

2561 (B) allow the charter school governing board to submit a revised proposal; or

2562 (C) take no action.

2563 (9) An authorizer may not take an action under Subsection (8) for a qualifying charter
2564 school with outstanding bonds issued in accordance with Part 6, Charter School Credit
2565 Enhancement Program, without mutual agreement of the Utah Charter School Finance
2566 Authority and the authorizer.

2567 (10) (a) An authorizer that intends to transfer operation and control of a charter school
2568 as described in Subsection (7)(b) shall request approval from the [~~State Board of Education~~]
2569 state board.

(b) (i) The [~~State Board of Education~~] state board shall consider an authorizer's request under Subsection (10)(a) within 30 days of receiving the request.

(ii) If the [~~State Board of Education~~] state board denies an authorizer's request under Subsection (10)(a), the authorizer may not transfer operation and control of the charter school as described in Subsection (7)(b).

(iii) If the [~~State Board of Education~~] state board does not take action on an authorizer's request under Subsection (10)(a) within 30 days of receiving the request, an authorizer may proceed to transfer operation and control of the charter school as described in Subsection (7)(b).

Section 66. Section **53G-5-503** is amended to read:

53G-5-503. Termination of a charter agreement.

(1) Subject to the requirements of Subsection (3), a charter school authorizer may terminate a school's charter agreement for any of the following reasons:

(a) failure of the charter school to meet the requirements stated in the charter agreement;

(b) failure to meet generally accepted standards of fiscal management;

(c) (i) designation as a low performing school under Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development; and

(ii) failure to improve the school's grade under the conditions described in Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development;

(d) violation of requirements under this chapter or another law; or

(e) other good cause shown.

(2) (a) The authorizer shall notify the following of the proposed termination in writing, state the grounds for the termination, and stipulate that the charter school governing board may request an informal hearing before the authorizer:

(i) the charter school governing board [~~of the charter school~~]; and

(ii) if the charter school is a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School Finance Authority.

(b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after

2601 receiving a written request under Subsection (2)(a).

2602 (c) If the authorizer, by majority vote, approves a motion to terminate a charter school,
2603 the charter school governing board ~~[of the charter school]~~ may appeal the decision to the ~~[State~~
2604 ~~Board of Education]~~ state board.

2605 (d) (i) The ~~[State Board of Education]~~ state board shall hear an appeal of a termination
2606 made pursuant to Subsection (2)(c).

2607 (ii) The ~~[State Board of Education]~~ state board's action is final action subject to judicial
2608 review.

2609 (e) (i) If the authorizer proposes to terminate the charter agreement of a qualifying
2610 charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit
2611 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)
2612 120 days or more after notifying the following of the proposed termination:

2613 (A) the charter school governing board of the qualifying charter school; and

2614 (B) the Utah Charter School Finance Authority.

2615 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School
2616 Finance Authority shall meet with the authorizer to determine whether the deficiency may be
2617 remedied in lieu of termination of the qualifying charter school's charter agreement.

2618 (3) An authorizer may not terminate the charter agreement of a qualifying charter
2619 school with outstanding bonds issued in accordance with Part 6, Charter School Credit
2620 Enhancement Program, without mutual agreement of the Utah Charter School Finance
2621 Authority and the authorizer.

2622 (4) (a) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
2623 ~~the State Board of Education]~~ The state board shall make rules that require a charter school to
2624 report any threats to the health, safety, or welfare of its students to the State Charter School
2625 Board in a timely manner.

2626 (b) The rules under Subsection (4)(a) shall also require the charter school report to
2627 include what steps the charter school has taken to remedy the threat.

2628 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a
2629 charter agreement immediately if good cause has been shown or if the health, safety, or welfare
2630 of the students at the school is threatened.

2631 (6) If a charter agreement is terminated during a school year, the following entities may

2632 apply to the charter school's authorizer to assume operation of the school:

2633 (a) the school district where the charter school is located;

2634 (b) the charter school governing board of another charter school; or

2635 (c) a private management company.

2636 (7) (a) If a charter agreement is terminated, a student who attended the school may
2637 apply to and shall be enrolled in another public school under the enrollment provisions of
2638 Chapter 6, Part 3, School District Residency, subject to space availability.

2639 (b) Normal application deadlines shall be disregarded under Subsection (7)(a).

2640 Section 67. Section **53G-5-504** is amended to read:

2641 **53G-5-504. Charter school closure.**

2642 (1) If a charter school is closed for any reason, including the termination of a charter
2643 agreement in accordance with Section **53G-5-503** or the conversion of a charter school to a
2644 private school, the provisions of this section apply.

2645 (2) A decision to close a charter school is made:

2646 (a) when a charter school authorizer approves a motion to terminate described in
2647 Subsection **53G-5-503**(2)(c);

2648 (b) when the [~~State Board of Education~~] state board takes final action described in
2649 Subsection **53G-5-503**(2)(d)(ii); or

2650 (c) when a charter school provides notice to the charter school's authorizer that the
2651 charter school is relinquishing the charter school's charter.

2652 (3) (a) No later than 10 days after the day on which a decision to close a charter school
2653 is made, the charter school shall:

2654 (i) provide notice to the following, in writing, of the decision:

2655 (A) if the charter school made the decision to close, the charter school's authorizer;

2656 (B) the State Charter School Board;

2657 (C) if the [~~State Board of Education~~] state board did not make the decision to close, the
2658 [~~State Board of Education~~] state board;

2659 (D) parents of students enrolled at the charter school;

2660 (E) the charter school's creditors;

2661 (F) the charter school's lease holders;

2662 (G) the charter school's bond issuers;

2663 (H) other entities that may have a claim to the charter school's assets;
2664 (I) the school district in which the charter school is located and other charter schools
2665 located in that school district; and
2666 (J) any other person that the charter school determines to be appropriate; and
2667 (ii) post notice of the decision on the Utah Public Notice Website, created in Section
2668 63F-1-701.

2669 (b) The notice described in Subsection (3)(a) shall include:
2670 (i) the proposed date of the charter school closure;
2671 (ii) the charter school's plans to help students identify and transition into a new school;
2672 and
2673 (iii) contact information for the charter school during the transition.

2674 (4) No later than 10 days after the day on which a decision to close a charter school is
2675 made, the closing charter school shall:
2676 (a) designate a custodian for the protection of student files and school business records;
2677 (b) designate a base of operation that will be maintained throughout the charter school
2678 closing, including:
2679 (i) an office;
2680 (ii) hours of operation;
2681 (iii) operational telephone service with voice messaging stating the hours of operation;
2682 and
2683 (iv) a designated individual to respond to questions or requests during the hours of
2684 operation;
2685 (c) assure that the charter school will maintain insurance coverage and risk
2686 management coverage throughout the transition to closure and for a period following closure of
2687 the charter school as specified by the charter school's authorizer;
2688 (d) assure that the charter school will complete by the set deadlines for all fiscal years
2689 in which funds are received or expended by the charter school a financial audit and any other
2690 procedure required by state board rule;
2691 (e) inventory all assets of the charter school; and
2692 (f) list all creditors of the charter school and specifically identify secured creditors and
2693 assets that are security interests.

2694 (5) The closing charter school's authorizer shall oversee the closing charter school's
2695 compliance with Subsection (4).

2696 (6) (a) A closing charter school shall return any assets remaining, after all liabilities
2697 and obligations of the closing charter school are paid or discharged, to the closing charter
2698 school's authorizer.

2699 (b) The closing charter school's authorizer shall liquidate assets at fair market value or
2700 assign the assets to another public school.

2701 (7) The closing charter school's authorizer shall oversee liquidation of assets and
2702 payment of debt in accordance with state board rule.

2703 (8) The closing charter school shall:

2704 (a) comply with all state and federal reporting requirements; and

2705 (b) submit all documentation and complete all state and federal reports required by the
2706 closing charter school's authorizer or the [~~State Board of Education~~] state board, including
2707 documents to verify the closing charter school's compliance with procedural requirements and
2708 satisfaction of all financial issues.

2709 (9) When the closing charter school's financial affairs are closed out and dissolution is
2710 complete, the authorizer shall ensure that a final audit of the charter school is completed.

2711 (10) On or before January 1, 2017, [~~in accordance with Title 63G, Chapter 3, Utah~~
2712 ~~Administrative Rulemaking Act, the State Board of Education~~] the state board shall, after
2713 considering suggestions from charter school authorizers, make rules that:

2714 (a) provide additional closure procedures for charter schools; and

2715 (b) establish a charter school closure process.

2716 Section 68. Section **53G-5-505** is amended to read:

2717 **53G-5-505. Tort liability.**

2718 (1) An employee of a charter school is a public employee and the charter school
2719 governing board is a public employer in the same manner as a local school board for purposes
2720 of tort liability.

2721 (2) The charter school governing board [~~of a charter school~~], the nonprofit corporation
2722 under which the charter school is organized and managed, and the school are solely liable for
2723 any damages resulting from a legal challenge involving the operation of the school.

2724 Section 69. Section **53G-5-602** is amended to read:

53G-5-602. Utah Charter School Finance Authority created -- Members -- Compensation -- Services.

(1) There is created a body politic and corporate known as the Utah Charter School Finance Authority. The authority is created to provide an efficient and cost-effective method of financing charter school facilities.

(2) The governing board of the authority shall be composed of:

(a) the governor or the governor's designee;

(b) the state treasurer; and

(c) the state superintendent ~~[of public instruction]~~ or the state superintendent's designee.

(3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(4) Upon request, the ~~[State Board of Education]~~ state board shall provide staff support to the authority.

Section 70. Section 53G-6-201 is amended to read:

53G-6-201. Definitions.

For purposes of this part:

(1) (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a school-age minor assigned to a class or class period to attend the entire class or class period.

(b) A school-age minor may not be considered absent under this part more than one time during one day.

(2) "Habitual truant" means a school-age minor who:

(a) is at least 12 years old;

(b) is subject to the requirements of Section 53G-6-202; and

(c) (i) is truant at least 10 times during one school year; or

(ii) fails to cooperate with efforts on the part of school authorities to resolve the minor's attendance problem as required under Section 53G-6-206.

- 2756 (3) "Minor" means a person under the age of 18 years.
- 2757 (4) "Parent" includes:
- 2758 (a) a custodial parent of the minor;
- 2759 (b) a legally appointed guardian of a minor; or
- 2760 (c) any other person purporting to exercise any authority over the minor which could be
- 2761 exercised by a person described in Subsection (4)(a) or (b).
- 2762 (5) "School-age minor" means a minor who:
- 2763 (a) is at least six years old, but younger than 18 years old; and
- 2764 (b) is not emancipated.
- 2765 (6) "School year" means the period of time designated by a local school board or
- 2766 ~~[local]~~ charter school governing board as the school year for the school where the school-age
- 2767 minor:
- 2768 (a) is enrolled; or
- 2769 (b) should be enrolled, if the school-age minor is not enrolled in school.
- 2770 (7) "Truant" means absent without a valid excuse.
- 2771 (8) "Truant minor" means a school-age minor who:
- 2772 (a) is subject to the requirements of Section [53G-6-202](#) or [53G-6-203](#); and
- 2773 (b) is truant.
- 2774 (9) "Valid excuse" means:
- 2775 (a) an illness, which may be either mental or physical;
- 2776 (b) a family death;
- 2777 (c) an approved school activity;
- 2778 (d) an absence permitted by a school-age minor's:
- 2779 (i) individualized education program, developed pursuant to the Individuals with
- 2780 Disabilities Education Improvement Act of 2004, as amended; or
- 2781 (ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act
- 2782 of 1973, as amended; or
- 2783 (e) any other excuse established as valid by a local school board, ~~[local]~~ charter school
- 2784 governing board, or school district.
- 2785 Section 71. Section **53G-6-202** is amended to read:
- 2786 **53G-6-202. Compulsory education.**

- 2787 (1) For purposes of this section:
- 2788 (a) "Intentionally" is as defined in Section 76-2-103.
- 2789 (b) "Recklessly" is as defined in Section 76-2-103.
- 2790 (c) "Remainder of the school year" means the portion of the school year beginning on
- 2791 the day after the day on which the notice of compulsory education violation described in
- 2792 Subsection (3) is served and ending on the last day of the school year.
- 2793 (d) "School-age child" means a school-age minor under the age of 14.
- 2794 (2) Except as provided in Section 53G-6-204 or 53G-6-702, the parent of a school-age
- 2795 minor shall enroll and send the school-age minor to a public or regularly established private
- 2796 school.
- 2797 (3) A school administrator, a designee of a school administrator, a law enforcement
- 2798 officer acting as a school resource officer, or a truancy specialist may issue a notice of
- 2799 compulsory education violation to a parent of a school-age child if the school-age child is
- 2800 absent without a valid excuse at least five times during the school year.
- 2801 (4) The notice of compulsory education violation, described in Subsection (3):
- 2802 (a) shall direct the parent of the school-age child to:
- 2803 (i) meet with school authorities to discuss the school-age child's school attendance
- 2804 problems; and
- 2805 (ii) cooperate with the local school board, [~~local~~] charter school governing board, or
- 2806 school district in securing regular attendance by the school-age child;
- 2807 (b) shall designate the school authorities with whom the parent is required to meet;
- 2808 (c) shall state that it is a class B misdemeanor for the parent of the school-age child to
- 2809 intentionally or recklessly:
- 2810 (i) fail to meet with the designated school authorities to discuss the school-age child's
- 2811 school attendance problems; or
- 2812 (ii) fail to prevent the school-age child from being absent without a valid excuse five or
- 2813 more times during the remainder of the school year;
- 2814 (d) shall be served on the school-age child's parent by personal service or certified
- 2815 mail; and
- 2816 (e) may not be issued unless the school-age child has been truant at least five times
- 2817 during the school year.

(5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt from enrollment under Section 53G-6-204 or 53G-6-702.

(6) It is a class B misdemeanor for a parent of a school-age child to, after being served with a notice of compulsory education violation in accordance with Subsections (3) and (4), intentionally or recklessly:

(a) fail to meet with the school authorities designated in the notice of compulsory education violation to discuss the school-age child's school attendance problems; or

(b) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year.

(7) A local school board, ~~local~~ charter school governing board, or school district shall report violations of this section to the appropriate county or district attorney.

(8) If school personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent ~~or guardian~~ has failed to make a good faith effort to ensure that the child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services:

(a) identifying information of the child and the child's parent ~~or guardian~~ who received the notice of compulsory education violation;

(b) information regarding the longest number of consecutive school days the school-age minor has been absent from school and the percentage of school days the child has been absent during each relevant school term;

(c) whether the child has made adequate educational progress;

(d) whether the requirements of Section 53G-6-206 have been met;

(e) whether the child is two or more years behind the local public school's age group expectations in one or more basic skills; and

(f) whether the child is receiving special education services or systematic remediation efforts.

Section 72. Section 53G-6-203 is amended to read:

53G-6-203. Truancy -- Notice of truancy -- Failure to cooperate with school authorities.

(1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age minor who is

2849 enrolled in a public school shall attend the public school in which the school-age minor is
2850 enrolled.

2851 (2) A local school board, charter school governing board, or school district may impose
2852 administrative penalties on a school-age minor in accordance with Section 53G-8-211 who is
2853 truant.

2854 (3) A local school board or charter school governing board:

2855 (a) may authorize a school administrator, a designee of a school administrator, a law
2856 enforcement officer acting as a school resource officer, or a truancy specialist to issue notices
2857 of truancy to school-age minors who are at least 12 years old; and

2858 (b) shall establish a procedure for a school-age minor, or the school-age minor's
2859 parents, to contest a notice of truancy.

2860 (4) The notice of truancy described in Subsection (3):

2861 (a) may not be issued until the school-age minor has been truant at least five times
2862 during the school year;

2863 (b) may not be issued to a school-age minor who is less than 12 years old;

2864 (c) may not be issued to a minor exempt from school attendance as provided in Section
2865 53G-6-204 or 53G-6-702;

2866 (d) shall direct the school-age minor and the parent of the school-age minor to:

2867 (i) meet with school authorities to discuss the school-age minor's trancies; and

2868 (ii) cooperate with the local school board, [~~local~~] charter school governing board, or
2869 school district in securing regular attendance by the school-age minor; and

2870 (e) shall be mailed to, or served on, the school-age minor's parent.

2871 (5) Nothing in this part prohibits a local school board, charter school governing board,
2872 or school district from taking action to resolve a truancy problem with a school-age minor who
2873 has been truant less than five times, provided that the action does not conflict with the
2874 requirements of this part.

2875 Section 73. Section 53G-6-204 is amended to read:

2876 **53G-6-204. Minors exempt from school attendance.**

2877 (1) (a) A local school board or charter school governing board may excuse a school-age
2878 minor from attendance for any of the following reasons:

2879 (i) a school-age minor over age 16 may receive a partial release from school to enter

2880 employment, or attend a trade school, if the school-age minor has completed [~~the eighth~~] grade
2881 8; or

2882 (ii) on an annual basis, a school-age minor may receive a full release from attending a
2883 public, regularly established private, or part-time school or class if:

2884 (A) the school-age minor has already completed the work required for graduation from
2885 high school, or has demonstrated mastery of required skills and competencies in accordance
2886 with Subsection 53F-2-501(1);

2887 (B) the school-age minor is in a physical or mental condition, certified by a competent
2888 physician if required by the local school board or charter school governing board, which
2889 renders attendance inexpedient and impracticable;

2890 (C) proper influences and adequate opportunities for education are provided in
2891 connection with the school-age minor's employment; or

2892 (D) the district superintendent or charter school governing board has determined that a
2893 school-age minor over the age of 16 is unable to profit from attendance at school because of
2894 inability or a continuing negative attitude toward school regulations and discipline.

2895 (b) A school-age minor receiving a partial release from school under Subsection
2896 (1)(a)(i) is required to attend:

2897 (i) school part time as prescribed by the local school board or charter school governing
2898 board; or

2899 (ii) a home school part time.

2900 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)
2901 must be sufficient to satisfy the local school board or charter school governing board.

2902 (d) A local school board or charter school governing board that excuses a school-age
2903 minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor
2904 is excused from attendance during the time specified on the certificate.

2905 (2) (a) A local school board shall excuse a school-age minor from attendance, if the
2906 school-age minor's parent files a signed and notarized affidavit with the school-age minor's
2907 school district of residence, as defined in Section 53G-6-302, that:

2908 (i) the school-age minor will attend a home school; and

2909 (ii) the parent assumes sole responsibility for the education of the school-age minor,
2910 except to the extent the school-age minor is dual enrolled in a public school as provided in

2911 Section 53G-6-702.

2912 (b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall
2913 remain in effect as long as:

2914 (i) the school-age minor attends a home school; and

2915 (ii) the school district where the affidavit was filed remains the school-age minor's
2916 district of residence.

2917 (c) A parent of a school-age minor who attends a home school is solely responsible for:

2918 (i) the selection of instructional materials and textbooks;

2919 (ii) the time, place, and method of instruction; and

2920 (iii) the evaluation of the home school instruction.

2921 (d) A local school board may not:

2922 (i) require a parent of a school-age minor who attends a home school to maintain
2923 records of instruction or attendance;

2924 (ii) require credentials for individuals providing home school instruction;

2925 (iii) inspect home school facilities; or

2926 (iv) require standardized or other testing of home school students.

2927 (e) Upon the request of a parent, a local school board shall identify the knowledge,
2928 skills, and competencies a student is recommended to attain by grade level and subject area to
2929 assist the parent in achieving college and career readiness through home schooling.

2930 (f) A local school board that excuses a school-age minor from attendance as provided
2931 by this Subsection (2) shall annually issue a certificate stating that the school-age minor is
2932 excused from attendance for the specified school year.

2933 (g) A local school board shall issue a certificate excusing a school-age minor from
2934 attendance:

2935 (i) within 30 days after receipt of a signed and notarized affidavit filed by the
2936 school-age minor's parent pursuant to this Subsection (2); and

2937 (ii) on or before August 1 each year thereafter unless:

2938 (A) the school-age minor enrolls in a school within the school district;

2939 (B) the school-age minor's parent [~~or guardian~~] notifies the school district that the
2940 school-age minor no longer attends a home school; or

2941 (C) the school-age minor's parent [~~or guardian~~] notifies the school district that the

school-age minor's school district of residence has changed.

(3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a) is exempt from the application of Subsections 53G-6-202(2), (5), and (6).

(4) Nothing in this section may be construed to prohibit or discourage voluntary cooperation, resource sharing, or testing opportunities between a school or school district and a parent ~~[or guardian]~~ of a minor attending a home school.

Section 74. Section 53G-6-205 is amended to read:

53G-6-205. Preapproval of extended absence.

In determining whether to preapprove an extended absence of a school-age minor as a valid excuse under Subsection 53G-6-201(9)(e), a local school board, ~~[local]~~ charter school governing board, or school district shall approve the absence if the local school board, ~~[local]~~ charter school governing board, or school district determines that the extended absence will not adversely impact the school-age minor's education.

Section 75. Section 53G-6-206 is amended to read:

53G-6-206. Duties of a local school board, charter school governing board, or school district in resolving attendance problems -- Parental involvement -- Liability not imposed.

(1) (a) Except as provided in Subsection (1)(b), a local school board, ~~[local]~~ charter school governing board, or school district shall make efforts to resolve the school attendance problems of each school-age minor who is, or should be, enrolled in the school district.

(b) A minor exempt from school attendance under Section 53G-6-204 or 53G-6-702 is not considered to be a minor who is or should be enrolled in a school district or charter school under Subsection (1)(a).

(2) The efforts described in Subsection (1) shall include, as reasonably feasible:

(a) counseling of the minor by school authorities;

(b) issuing a notice of truancy to a school-age minor who is at least 12 years old, in accordance with Section 53G-6-203;

(c) issuing a notice of compulsory education violation to a parent of a school-age child, in accordance with Section 53G-6-202;

(d) making any necessary adjustment to the curriculum and schedule to meet special needs of the minor;

2973 (e) considering alternatives proposed by a parent;
2974 (f) monitoring school attendance of the minor;
2975 (g) voluntary participation in truancy mediation, if available; and
2976 (h) providing a school-age minor's parent, upon request, with a list of resources
2977 available to assist the parent in resolving the school-age minor's attendance problems.

2978 (3) In addition to the efforts described in Subsection (2), the local school board, ~~[local]~~
2979 charter school governing board, or school district may enlist the assistance of community and
2980 law enforcement agencies as appropriate and reasonably feasible in accordance with Section
2981 53G-8-211.

2982 (4) This section does not impose civil liability on boards of education, local school
2983 boards, ~~[local]~~ charter school governing boards, school districts, or their employees.

2984 (5) Proceedings initiated under this part do not obligate or preclude action by the
2985 Division of Child and Family Services under Section 78A-6-319.

2986 Section 76. Section **53G-6-207** is amended to read:

2987 **53G-6-207. Truancy specialists.**

2988 A local school board or ~~[local]~~ charter school governing board may appoint and fix the
2989 compensation of a truancy specialist to assist in enforcing laws related to school attendance and
2990 to perform other duties prescribed by law or the state board.

2991 Section 77. Section **53G-6-208** is amended to read:

2992 **53G-6-208. Taking custody of a person believed to be a truant minor --**

2993 **Disposition -- Reports -- Immunity from liability.**

2994 (1) A peace officer or public school administrator may take a minor into temporary
2995 custody if there is reason to believe the minor is a truant minor.

2996 (2) An individual taking a school-age minor into custody under Subsection (1) shall,
2997 without unnecessary delay, release the minor to:

2998 (a) the principal of the minor's school;

2999 (b) a person who has been designated by the local school board or ~~[local]~~ charter
3000 school governing board to receive and return the minor to school; or

3001 (c) a truancy center established under Subsection (5).

3002 (3) If the minor refuses to return to school or go to the truancy center, the officer or
3003 administrator shall, without unnecessary delay, notify the minor's parents and release the minor

3004 to their custody.

3005 (4) If the parents cannot be reached or are unable or unwilling to accept custody and
3006 none of the options in Subsection (2) are available, the minor shall be referred to the Division
3007 of Child and Family Services.

3008 (5) (a) A local school board or [~~local~~] school governing board, singly or jointly
3009 with another school board, may establish or designate truancy centers within existing school
3010 buildings and staff the centers with existing teachers or staff to provide educational guidance
3011 and counseling for truant minors. Upon receipt of a truant minor, the center shall, without
3012 unnecessary delay, notify and direct the minor's parents to come to the center, pick up the
3013 minor, and return the minor to the school in which the minor is enrolled.

3014 (b) If the parents cannot be reached or are unable or unwilling to comply with the
3015 request within a reasonable time, the center shall take such steps as are reasonably necessary to
3016 insure the safety and well being of the minor, including, when appropriate, returning the minor
3017 to school or referring the minor to the Division of Child and Family Services. A minor taken
3018 into custody under this section may not be placed in a detention center or other secure
3019 confinement facility.

3020 (6) Action taken under this section shall be reported to the appropriate school district.
3021 The district shall promptly notify the minor's parents of the action taken.

3022 (7) The Utah Governmental Immunity Act applies to all actions taken under this
3023 section.

3024 (8) Nothing in this section may be construed to grant authority to a public school
3025 administrator to place a minor in the custody of the Division of Child and Family Services,
3026 without complying with Title 62A, Chapter 4a, Part 2, Child Welfare Services, and Title 78A,
3027 Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

3028 Section 78. Section **53G-6-209** is amended to read:

3029 **53G-6-209. Truancy support centers.**

3030 (1) A school district may establish one or more truancy support centers for:

3031 (a) truant minors taken into custody under Section **53G-6-208**; or

3032 (b) students suspended or expelled from school.

3033 (2) A truancy support center shall provide services to the truant minor and the truant
3034 minor's family, including:

- 3035 (a) assessments of the truant minor's needs and abilities;
- 3036 (b) support for the parents and truant minor through counseling and community
- 3037 programs; and
- 3038 (c) tutoring for the truant minor during the time spent at the center.
- 3039 (3) For the suspended or expelled student, the truancy support center shall provide an
- 3040 educational setting, staffed with certified teachers and aides, to provide the student with
- 3041 ongoing educational programming appropriate to the student's grade level.
- 3042 (4) In a district with a truancy support center, all students suspended or expelled from
- 3043 school shall be referred to the center. A parent [~~or guardian~~] shall appear with the student at
- 3044 the center within 48 hours of the suspension or expulsion, not including weekends or holidays.
- 3045 The student shall register and attend classes at the truancy support center for the duration of the
- 3046 suspension or expulsion unless the parent [~~or guardian~~] demonstrates that alternative
- 3047 arrangements have been made for the education or supervision of the student during the time of
- 3048 suspension or expulsion.
- 3049 (5) The truancy support center may provide counseling and other support programming
- 3050 for students suspended or expelled from school and their parents [~~or guardian~~].
- 3051 Section 79. Section **53G-6-302** is amended to read:
- 3052 **53G-6-302. Child's school district of residence -- Determination -- Responsibility**
- 3053 **for providing educational services.**
- 3054 (1) As used in this section:
- 3055 (a) "Health care facility" means the same as that term is defined in Section 26-21-2.
- 3056 (b) "Human services program" means the same as that term is defined in Section
- 3057 62A-2-101.
- 3058 (2) The school district of residence of a minor child whose custodial parent [~~or legal~~
- 3059 ~~guardian~~] resides within Utah is:
- 3060 (a) the school district in which the custodial parent [~~or legal guardian~~] resides; or
- 3061 (b) the school district in which the child resides:
- 3062 (i) while in the custody or under the supervision of a Utah state agency;
- 3063 (ii) while under the supervision of a private or public agency which is in compliance
- 3064 with Section 62A-4a-606 and is authorized to provide child placement services by the state;
- 3065 (iii) while living with a responsible adult resident of the district, if a determination has

been made in accordance with rules made by the [~~State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] state board that:

(A) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;

(B) exigent circumstances exist that do not permit the case to be appropriately addressed under Section [53G-6-402](#); and

(C) considering the child to be a resident of the district under this Subsection (2)(b)(iii) does not violate any other law or rule of the [~~State Board of Education~~] state board;

(iv) while the child is receiving services from a health care facility or human services program, if a determination has been made in accordance with rules made by the [~~State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] state board that:

(A) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;

(B) exigent circumstances exist that do not permit the case to be appropriately addressed under Section [53G-6-402](#); and

(C) considering the child to be a resident of the district under this Subsection (2)(b)(iv) does not violate any other law or rule of the [~~State Board of Education~~] state board; or

(v) if the child is married or has been determined to be an emancipated minor by a court of law or by a state administrative agency authorized to make that determination.

(3) A minor child whose custodial parent [~~or legal guardian~~] does not reside in the state is considered to be a resident of the district in which the child lives, unless that designation violates any other law or rule of the [~~State Board of Education~~] state board, if:

(a) the child is married or an emancipated minor under Subsection (2)(b)(v);

(b) the child lives with a resident of the district who is a responsible adult and whom the district agrees to designate as the child's legal guardian under Section [53G-6-303](#);

(c) if permissible under policies adopted by a local school board, it is established to the satisfaction of the local school board that:

(i) the child lives with a responsible adult who is a resident of the district and is the child's noncustodial parent, grandparent, brother, sister, uncle, or aunt;

(ii) the child's presence in the district is not for the primary purpose of attending the

3097 public schools;

3098 (iii) the child's physical, mental, moral, or emotional health will best be served by

3099 considering the child to be a resident for school purposes; and

3100 (iv) the child is prepared to abide by the ~~[rules and]~~ policies of the school and school

3101 district in which attendance is sought; or

3102 (d) it is established to the satisfaction of the local school board that:

3103 (i) the child's parent ~~[or guardian]~~ moves from the state;

3104 (ii) the child's parent ~~[or guardian]~~ executes a power of attorney under Section

3105 75-5-103 that:

3106 (A) meets the requirements of Subsection (4); and

3107 (B) delegates powers regarding care, custody, or property, including schooling, to a

3108 responsible adult with whom the child resides;

3109 (iii) the responsible adult described in Subsection (3)(d)(ii)(B) is a resident of the

3110 district;

3111 (iv) the child's physical, mental, moral, or emotional health will best be served by

3112 considering the child to be a resident for school purposes;

3113 (v) the child is prepared to abide by the ~~[rules and]~~ policies of the school and school

3114 district in which attendance is sought; and

3115 (vi) the child's attendance in the school will not be detrimental to the school or school

3116 district.

3117 (4) (a) If admission is sought under Subsection (2)(b)(iii), (3)(c), or (3)(d), then the

3118 district may require the person with whom the child lives to be designated as the child's

3119 custodian in a durable power of attorney, issued by the party who has legal custody of the child,

3120 granting the custodian full authority to take any appropriate action, including authorization for

3121 educational or medical services, in the interests of the child.

3122 (b) Both the party granting and the party empowered by the power of attorney shall

3123 agree to:

3124 (i) assume responsibility for any fees or other charges relating to the child's education

3125 in the district; and

3126 (ii) if eligibility for fee waivers is claimed under Section 53G-7-504, provide the

3127 school district with all financial information requested by the district for purposes of

3128 determining eligibility for fee waivers.

3129 (c) Notwithstanding Section 75-5-103, a power of attorney meeting the requirements of
3130 this section and accepted by the school district shall remain in force until the earliest of the
3131 following occurs:

3132 (i) the child reaches the age of 18, marries, or becomes emancipated;

3133 (ii) the expiration date stated in the document; or

3134 (iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee,
3135 or by order of a court of competent jurisdiction.

3136 (5) A power of attorney does not confer legal guardianship.

3137 (6) Each school district is responsible for providing educational services for all
3138 children of school age who are residents of the district.

3139 Section 80. Section 53G-6-303 is amended to read:

3140 **53G-6-303. Guardianship for residency purposes by responsible adult --**
3141 **Procedure to obtain -- Termination.**

3142 (1) For purposes of this part, "responsible adult" means a person 21 years of age or
3143 older who is a resident of this state and is willing and able to provide reasonably adequate food,
3144 clothing, shelter, and supervision for a minor child.

3145 (2) A local school board [~~of education~~] may adopt a policy permitting it to designate a
3146 responsible adult residing in the school district as legal guardian of a child whose custodial
3147 parent [~~or legal guardian~~] does not reside within the state upon compliance with the following
3148 requirements:

3149 (a) submission to the school district of a signed and notarized affidavit by the child's
3150 custodial parent [~~or legal guardian~~] stating that:

3151 (i) the child's presence in the district is not for the primary purpose of attending the
3152 public schools;

3153 (ii) the child's physical, mental, moral, or emotional health would best be served by a
3154 transfer of guardianship to the Utah resident;

3155 (iii) the affiant is aware that designation of a guardian under this section is equivalent
3156 to a court-ordered guardianship under Section 75-5-206 and will suspend or terminate any
3157 existing parental or guardianship rights in the same manner as would occur under a
3158 court-ordered guardianship;

3159 (iv) the affiant consents and submits to any such suspension or termination of parental
3160 or guardianship rights;

3161 (v) the affiant consents and submits to the jurisdiction of the state district court in
3162 which the school district is located in any action relating to the guardianship or custody of the
3163 child in question;

3164 (vi) the affiant designates a named responsible adult as agent, authorized to accept
3165 service on behalf of the affiant of any process, notice, or demand required or permitted to be
3166 served in connection with any action under Subsection (2)(a)(v); and

3167 (vii) it is the affiant's intent that the child become a permanent resident of the state and
3168 reside with and be under the supervision of the named responsible adult;

3169 (b) submission to the school district of a signed and notarized affidavit by the
3170 responsible adult stating that:

3171 (i) the affiant is a resident of the school district and desires to become the guardian of
3172 the child;

3173 (ii) the affiant consents and submits to the jurisdiction of the state district court in
3174 which the school district is located in any action relating to the guardianship or custody of the
3175 child in question;

3176 (iii) the affiant will accept the responsibilities of guardianship for the duration,
3177 including the responsibility to provide adequate supervision, discipline, food, shelter,
3178 educational and emotional support, and medical care for the child if designated as the child's
3179 guardian; and

3180 (iv) the affiant accepts the designation as agent under Subsection (2)(a)(vi);

3181 (c) submission to the school district of a signed and notarized affidavit by the child
3182 stating that:

3183 (i) the child desires to become a permanent resident of Utah and reside with and be
3184 responsible to the named responsible adult; and

3185 (ii) the child will abide by all applicable ~~[rules]~~ policies of any public school which the
3186 child may attend after guardianship is awarded; and

3187 (d) if the child's custodial parent ~~[or legal guardian]~~ cannot be found in order to execute
3188 the statement required under Subsection (2)(a), the responsible adult must submit an affidavit
3189 to that effect to the district. The district shall also submit a copy of the statement to the

3190 Criminal Investigations and Technical Services Division of the Department of Public Safety,
3191 established in Section 53-10-103.

3192 (3) The district may require the responsible adult, in addition to the documents set forth
3193 in Subsection (2), to also submit any other documents which are relevant to the appointment of
3194 a guardian of a minor or which the district reasonably believes to be necessary in connection
3195 with a given application to substantiate any claim or assertion made in connection with the
3196 application for guardianship.

3197 (4) Upon receipt of the information and documentation required under Subsections (2)
3198 and (3), and a determination by the local school board that the information is accurate, that the
3199 requirements of this section have been met, and that the interests of the child would best be
3200 served by granting the requested guardianship, the local school board or its authorized
3201 representative may designate the applicant as guardian of the child by issuing a designation of
3202 guardianship letter to the applicant.

3203 (5) (a) If a local school board has adopted a policy permitting the local school board to
3204 designate a guardian under this section, a denial of an application for appointment of a
3205 guardian may be appealed to the district court in which the school district is located.

3206 (b) The court shall uphold the decision of the local school board unless it finds, by
3207 clear and convincing evidence, that the local school board's decision was arbitrary and
3208 capricious.

3209 (c) An applicant may, rather than appealing the local school board's decision under
3210 Subsection (5)(b), file an original Petition for Appointment of Guardian with the district court,
3211 which action shall proceed as if no decision had been made by the local school board.

3212 (6) A responsible adult obtaining guardianship under this section has the same rights,
3213 authority, and responsibilities as a guardian appointed under Section 75-5-201.

3214 (7) (a) The school district shall deliver the original documents filed with the school
3215 district, together with a copy of the designation of guardianship issued by the district, in person
3216 or by any form of mail requiring a signed receipt, to the clerk of the state district court in which
3217 the school district is located.

3218 (b) The court may not charge the school district a fee for filing guardianship papers
3219 under this section.

3220 (8) (a) The authority and responsibility of a custodial parent [~~or legal guardian~~]

submitting an affidavit under this section may be restored by the district, and the guardianship obtained under this section terminated by the district:

(i) upon submission to the school district in which the guardianship was obtained of a signed and notarized statement by the person who consented to guardianship under Subsection (2)(a) requesting termination of the guardianship; or

(ii) by the person accepting guardianship under Subsection (2)(b) requesting the termination of the guardianship.

(b) If the school district determines that it would not be in the best interests of the child to terminate the guardianship, the district may refer the request for termination to the state district court in which the documents were filed under Subsection (5) for further action consistent with the interests of the child.

(9) The school district shall retain copies of all documents required by this section until the child in question has reached the age of 18 unless directed to surrender the documents by a court of competent jurisdiction.

(10) (a) Intentional submission to a school district of fraudulent or misleading information under this part is punishable under Section 76-8-504.

(b) A school district which has reason to believe that a party has intentionally submitted false or misleading information under this part may, after notice and opportunity for the party to respond to the allegation:

(i) void any guardianship, authorization, or action which was based upon the false or misleading information; and

(ii) recover, from the party submitting the information, the full cost of any benefits received by the child on the basis of the false or misleading information, including tuition, fees, and other unpaid school charges, together with any related costs of recovery.

(c) A student whose guardianship or enrollment has been terminated under this section may, upon payment of all applicable tuition and fees, continue in enrollment until the end of the school year unless excluded from attendance for cause.

Section 81. Section 53G-6-305 is amended to read:

53G-6-305. District paying tuition -- Effect on state aid.

(1) A local school board may by written agreement pay the tuition of a child attending school in a district outside the state. Both districts shall approve the agreement and file it with

3252 the [~~State Board of Education~~] state board.

3253 (2) The average daily membership of the child may be added to that of other eligible
3254 children attending schools within the district of residence for the purpose of apportionment of
3255 state funds.

3256 (3) (a) The district of residence shall bear any excess tuition costs over the state's
3257 contribution for attendance in the district of residence unless otherwise approved in advance by
3258 the [~~State Board of Education~~] state board.

3259 (b) (i) If a child who resides in a Utah school district's boundaries attends school in a
3260 neighboring state under this section, the [~~State Board of Education~~] state board may make an
3261 out-of-state tuition payment to the Utah school district of residence.

3262 (ii) If the [~~State Board of Education~~] state board approves the use of state funds for an
3263 out-of-state tuition payment described in Subsection (3)(b)(i), the [~~State Board of Education~~]
3264 state board shall use funds appropriated by the Legislature for necessarily existent small
3265 schools as described in Section [53F-2-304](#).

3266 Section 82. Section **53G-6-306** is amended to read:

3267 **53G-6-306. Permitting attendance by nonresident of the state -- Tuition.**

3268 (1) A local school board may permit a child residing outside the state to attend school
3269 within the district. With the exception of a child enrolled under Section [53G-6-707](#), the child
3270 is not included for the purpose of apportionment of state funds.

3271 (2) The local school board shall charge the nonresident child tuition at least equal to
3272 the per capita cost of the school program in which the child enrolls unless the local school
3273 board, in open meeting, determines to waive the charge for that child in whole or in part. The
3274 official minutes of the meeting shall reflect the determination.

3275 Section 83. Section **53G-6-401** is amended to read:

3276 **53G-6-401. Definitions.**

3277 As used in Sections [53G-6-402](#) through [53G-6-407](#):

3278 (1) "Early enrollment" means:

3279 (a) except as provided in Subsection (1)(b), application prior to the third Friday in
3280 February for admission for the next school year to a school that is not a student's school of
3281 residence; and

3282 (b) application prior to November 1 for admission for the next school year to a school

3283 that is not a student's school of residence if:

3284 (i) the school district is doing a district wide grade reconfiguration of its elementary,
3285 middle, junior, and senior high schools; and

3286 (ii) the grade reconfiguration described in Subsection (1)(b)(i) will be implemented in
3287 the next school year.

3288 (2) (a) "Early enrollment school capacity" or "maximum capacity" means the total
3289 number of students who could be served in a school building if each of the building's
3290 instructional stations were to have the enrollment specified in Subsection (2)(b).

3291 (b) (i) Except as provided in Subsection (2)(b)(ii):

3292 (A) for an elementary school, an instructional station shall have an enrollment at least
3293 equal to the school district's average class size for the corresponding grade; and

3294 (B) for a middle, junior, or senior high school, an instructional station shall have an
3295 enrollment at least equal to the district's average class size for similar classes.

3296 (ii) (A) A local school board shall determine the instructional station capacity for
3297 laboratories, physical education facilities, shops, study halls, self-contained special education
3298 classrooms, facilities jointly financed by the school district and another community agency for
3299 joint use, and similar rooms.

3300 (B) Capacity for self-contained special education classrooms shall be based upon
3301 students per class as defined by [~~State Board of Education~~] state board and federal special
3302 education standards.

3303 (3) (a) "Instructional station" means a classroom, laboratory, shop, study hall, or
3304 physical education facility to which a local school board [~~of education~~] could reasonably assign
3305 a class, teacher, or program during a given class period.

3306 (b) More than one instructional station may be assigned to a classroom, laboratory,
3307 shop, study hall, or physical education facility during a class period.

3308 (4) "Late enrollment" means application:

3309 (a) after the third Friday in February for admission for the next school year to a school
3310 that is not the student's school of residence; or

3311 (b) for admission for the current year to a school that is not the student's school of
3312 residence.

3313 (5) (a) "Late enrollment school capacity" or "adjusted capacity" means the total number

3314 of students who could be served in a school if each teacher were to have the class size specified
3315 in Subsection (5)(b).

3316 (b) (i) An elementary school teacher shall have a class size at least equal to the district's
3317 average class size for the corresponding grade.

3318 (ii) A middle, junior, or senior high school teacher shall have a class size at least equal
3319 to the district's average class size for similar classes.

3320 (6) "Nonresident student" means a student who lives outside the boundaries of the
3321 school attendance area.

3322 (7) "Open enrollment threshold" means:

3323 (a) for early enrollment, a projected school enrollment level that is the greater of:

3324 (i) 90% of the maximum capacity; or

3325 (ii) maximum capacity minus 40 students; and

3326 (b) for late enrollment, actual school enrollment that is the greater of:

3327 (i) 90% of adjusted capacity; or

3328 (ii) adjusted capacity minus 40 students.

3329 (8) "Projected school enrollment" means the current year enrollment of a school as of
3330 October 1, adjusted for projected growth for the next school year.

3331 (9) "School attendance area" means an area established by a local school board from
3332 which students are assigned to attend a certain school.

3333 (10) "School of residence" means the school to which a student is assigned to attend
3334 based on the student's place of residence.

3335 Section 84. Section **53G-6-402** is amended to read:

3336 **53G-6-402. Open enrollment options -- Procedures -- Processing fee -- Continuing**
3337 **enrollment.**

3338 (1) Each local school board is responsible for providing educational services consistent
3339 with Utah state law and rules of the [~~State Board of Education~~] state board for each student
3340 who resides in the district and, as provided in this section through Section **53G-6-407** and to
3341 the extent reasonably feasible, for any student who resides in another district in the state and
3342 desires to attend a school in the district.

3343 (2) (a) A school is open for enrollment of nonresident students if the enrollment level
3344 is at or below the open enrollment threshold.

3345 (b) If a school's enrollment falls below the open enrollment threshold, the local school
3346 board shall allow a nonresident student to enroll in the school.

3347 (3) A local school board may allow enrollment of nonresident students in a school that
3348 is operating above the open enrollment threshold.

3349 (4) (a) A local school board shall adopt policies describing procedures for nonresident
3350 students to follow in applying for entry into the district's schools.

3351 (b) Those procedures shall provide, as a minimum, for:

3352 (i) distribution to interested parties of information about the school or school district
3353 and how to apply for admission;

3354 (ii) use of standard application forms prescribed by the [~~State Board of Education~~] state
3355 board;

3356 (iii) (A) submission of applications from December 1 through the third Friday in
3357 February by those seeking admission during the early enrollment period for the following year;
3358 or

3359 (B) submission of applications from August 1 through November 1 by those seeking
3360 admission during the early enrollment period for the following year in a school district
3361 described in Subsection 53G-6-401(1)(b);

3362 (iv) submission of applications by those seeking admission during the late enrollment
3363 period;

3364 (v) written notification to the student's parent [~~or legal guardian~~] of acceptance or
3365 rejection of an application:

3366 (A) within six weeks after receipt of the application by the district or by March 31,
3367 whichever is later, for applications submitted during the early enrollment period;

3368 (B) within two weeks after receipt of the application by the district or by the Friday
3369 before the new school year begins, whichever is later, for applications submitted during the late
3370 enrollment period for admission in the next school year; and

3371 (C) within two weeks after receipt of the application by the district, for applications
3372 submitted during the late enrollment period for admission in the current year;

3373 (vi) written notification to the resident school for intradistrict transfers or the resident
3374 district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and

3375 (vii) written notification to the parents [~~or legal guardians~~] of each student that resides

3376 within the school district and other interested parties of the revised early enrollment period
3377 described in Subsection 53G-6-401(1)(b) if:

3378 (A) the school district is doing a district wide grade reconfiguration of its elementary,
3379 middle, junior, and senior high schools; and

3380 (B) the grade reconfiguration described in Subsection (4)(b)(vii)(A) will be
3381 implemented in the next school year.

3382 (c) (i) Notwithstanding the dates established in Subsection (4)(b) for submitting
3383 applications and notifying parents of acceptance or rejection of an application, a local school
3384 board may delay the dates if a local school board is not able to make a reasonably accurate
3385 projection of the early enrollment school capacity or late enrollment school capacity of a school
3386 due to:

3387 (A) school construction or remodeling;

3388 (B) drawing or revision of school boundaries; or

3389 (C) other circumstances beyond the control of the local school board.

3390 (ii) The delay may extend no later than four weeks beyond the date the local school
3391 board is able to make a reasonably accurate projection of the early enrollment school capacity
3392 or late enrollment school capacity of a school.

3393 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of
3394 application.

3395 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,
3396 subject to the same rules and standards as resident students, without renewed applications in
3397 subsequent years unless one of the following occurs:

3398 (a) the student graduates;

3399 (b) the student is no longer a Utah resident;

3400 (c) the student is suspended or expelled from school; or

3401 (d) the district determines that enrollment within the school will exceed the school's
3402 open enrollment threshold.

3403 (7) (a) Determination of which nonresident students will be excluded from continued
3404 enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in
3405 the school, with those most recently enrolled being excluded first and the use of a lottery
3406 system when multiple nonresident students have the same number of school days in the school.

3407 (b) Nonresident students who will not be permitted to continue their enrollment shall
3408 be notified no later than March 15 of the current school year.

3409 (8) The parent [~~or guardian~~] of a student enrolled in a school that is not the student's
3410 school of residence may withdraw the student from that school for enrollment in another public
3411 school by submitting notice of intent to enroll the student in:

3412 (a) the district of residence; or

3413 (b) another nonresident district.

3414 (9) Unless provisions have previously been made for enrollment in another school, a
3415 nonresident district releasing a student from enrollment shall immediately notify the district of
3416 residence, which shall enroll the student in the resident district and take such additional steps
3417 as may be necessary to ensure compliance with laws governing school attendance.

3418 (10) (a) Except as provided in Subsection (10)(c), a student who transfers between
3419 schools, whether effective on the first day of the school year or after the school year has begun,
3420 by exercising an open enrollment option under this section may not transfer to a different
3421 school during the same school year by exercising an open enrollment option under this section.

3422 (b) The restriction on transfers specified in Subsection (10)(a) does not apply to a
3423 student transfer made for health or safety reasons.

3424 (c) A local school board may adopt a policy allowing a student to exercise an open
3425 enrollment option more than once in a school year.

3426 (11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school
3427 that is not the student's school of residence, because school bus service is not provided between
3428 the student's neighborhood and school of residence for safety reasons:

3429 (a) shall be allowed to continue to attend the school until the student finishes the
3430 highest grade level offered; and

3431 (b) shall be allowed to attend the middle school, junior high school, or high school into
3432 which the school's students feed until the student graduates from high school.

3433 (12) Notwithstanding any other provision of this part or Part 3, School District
3434 Residency, a student shall be allowed to enroll in any charter school or other public school in
3435 any district, including a district where the student does not reside, if the enrollment is
3436 necessary, as determined by the Division of Child and Family Services, to comply with the
3437 provisions of 42 U.S.C. Section 675.

3438 Section 85. Section **53G-6-403** is amended to read:

3439 **53G-6-403. Policies for acceptance and rejection of applications.**

3440 (1) (a) A local school board shall adopt [~~rules~~] policies governing acceptance and
3441 rejection of applications required under Section **53G-6-402**.

3442 (b) The [~~rules~~] policies adopted under Subsection (1)(a) shall include policies and
3443 procedures to assure that decisions regarding enrollment requests are administered fairly
3444 without prejudice to any student or class of student, except as provided in Subsection (2).

3445 (2) Standards for accepting or rejecting an application for enrollment may include:

3446 (a) for an elementary school, the capacity of the grade level;

3447 (b) for a secondary school, the capacity of a comprehensive program;

3448 (c) maintenance of heterogeneous student populations if necessary to avoid violation of
3449 constitutional or statutory rights of students;

3450 (d) not offering, or having capacity in, an elementary or secondary special education or
3451 other special program the student requires;

3452 (e) maintenance of reduced class sizes:

3453 (i) in a Title I school that uses federal, state, and local money to reduce class sizes for
3454 the purpose of improving student achievement; or

3455 (ii) in a school that uses school trust money to reduce class size;

3456 (f) willingness of prospective students to comply with district policies; and

3457 (g) giving priority to intradistrict transfers over interdistrict transfers.

3458 (3) (a) Standards for accepting or rejecting applications for enrollment may not
3459 include:

3460 (i) previous academic achievement;

3461 (ii) athletic or other extracurricular ability;

3462 (iii) the fact that the student requires special education services for which space is
3463 available;

3464 (iv) proficiency in the English language; or

3465 (v) previous disciplinary proceedings, except as provided in Subsection (3)(b).

3466 (b) A local school board may provide for the denial of applications from students who:

3467 (i) have committed serious infractions of the law or school [~~rules~~] policies, including

3468 [~~rules~~] policies of the district in which enrollment is sought; or

3469 (ii) have been guilty of chronic misbehavior which would, if it were to continue after
3470 the student was admitted:

- 3471 (A) endanger persons or property;
- 3472 (B) cause serious disruptions in the school; or
- 3473 (C) place unreasonable burdens on school staff.

3474 (c) A local school board may also provide for provisional enrollment of students with
3475 prior behavior problems, establishing conditions under which enrollment of a nonresident
3476 student would be permitted or continued.

3477 (4) (a) The [~~State Board of Education~~] state board, in consultation with the Utah High
3478 School Activities Association, shall establish policies regarding nonresident student
3479 participation in interscholastic competition.

3480 (b) Nonresident students shall be eligible for extracurricular activities at a public
3481 school consistent with eligibility standards as applied to students that reside within the school
3482 attendance area, except as provided by policies established under Subsection (4)(a).

3483 (5) For each school in the district, the local school board shall post on the school
3484 district's website:

- 3485 (a) the school's maximum capacity;
- 3486 (b) the school's adjusted capacity;
- 3487 (c) the school's projected enrollment used in the calculation of the open enrollment
3488 threshold;
- 3489 (d) actual enrollment on October 1, January 2, and April 1;
- 3490 (e) the number of nonresident student enrollment requests;
- 3491 (f) the number of nonresident student enrollment requests accepted; and
- 3492 (g) the number of resident students transferring to another school.

3493 Section 86. Section **53G-6-404** is amended to read:

3494 **53G-6-404. Denial of enrollment -- Appeal.**

3495 (1) Denial of initial or continuing enrollment in a nonresident school may be appealed
3496 to the local school board [~~of education~~] of the nonresident district.

3497 (2) The decision of the local school board shall be upheld in any subsequent
3498 proceedings unless the local school board's decision is found, by clear and convincing
3499 evidence, to be in violation of applicable law or regulation, or to be arbitrary and capricious.

3500 Section 87. Section **53G-6-405** is amended to read:

3501 **53G-6-405. Funding.**

3502 (1) A student who enrolls in a nonresident district is considered a resident of that
3503 district for purposes of state funding.

3504 (2) The [~~State Board of Education~~] state board shall adopt rules providing that:

3505 (a) the resident district pay the nonresident district, for each of the resident district's
3506 students who enroll in the nonresident district, 1/2 of the amount by which the resident
3507 district's per student expenditure exceeds the value of the state's contribution; and

3508 (b) if a student is enrolled in a nonresident district for less than a full year, the resident
3509 district shall pay a portion of the amount specified in Subsection (2)(a) based on the percentage
3510 of school days the student is enrolled in the nonresident district.

3511 (3) (a) Except as provided in this Subsection (3), the parent [~~or guardian~~] of a
3512 nonresident student shall arrange for the student's own transportation to and from school.

3513 (b) The [~~State Board of Education~~] state board may adopt rules under which
3514 nonresident students may be transported to their schools of attendance if:

3515 (i) the transportation of students to schools in other districts would relieve
3516 overcrowding or other serious problems in the district of residence and the costs of
3517 transportation are not excessive; or

3518 (ii) the Legislature has granted an adequate specific appropriation for that purpose.

3519 (c) A receiving district shall provide transportation for a nonresident student on the
3520 basis of available space on an approved route within the district to the school of attendance if
3521 district students would be eligible for transportation to the same school from that point on the
3522 bus route and the student's presence does not increase the cost of the bus route.

3523 (d) Nothing in this section shall be construed as prohibiting the resident district or the
3524 receiving district from providing bus transportation on any approved route.

3525 (e) Except as provided in Subsection (3)(b), the district of residence may not claim any
3526 state transportation costs for students enrolled in other school districts.

3527 Section 88. Section **53G-6-406** is amended to read:

3528 **53G-6-406. Graduation credits.**

3529 (1) A nonresident district shall accept credits toward graduation that were awarded by a
3530 school accredited or approved by the [~~State Board of Education~~] state board or a regional

3531 accrediting body recognized by the U.S. Department of Education.

3532 (2) A nonresident district shall award a diploma to a nonresident student attending
3533 school within the district during the semester immediately preceding graduation if the student
3534 meets graduation requirements generally applicable to students in the school.

3535 (3) A district may not require that a student attend school within the district for more
3536 than one semester prior to graduation in order to receive a diploma.

3537 Section 89. Section **53G-6-407** is amended to read:

3538 **53G-6-407. Intradistrict transfers for students impacted by boundary changes --**
3539 **Transportation of students who transfer within a district.**

3540 (1) (a) In adjusting school boundaries, a local school board shall strive to avoid
3541 requiring current students to change schools and shall, to the extent reasonably feasible,
3542 accommodate parents who wish to avoid having their children attend different schools of the
3543 same level because of boundary changes which occur after one or more children in the family
3544 begin attending one of the affected schools.

3545 (b) In granting interdistrict and intradistrict transfers to a particular school, the local
3546 school board shall take into consideration the fact that an applicant's brother or sister is
3547 attending the school or another school within the district.

3548 (2) (a) A district shall receive transportation money under Sections **53F-2-402** and
3549 **53F-2-403** for resident students who enroll in schools other than the regularly assigned school
3550 on the basis of the distance from the student's residence to the school the student would have
3551 attended had the intradistrict attendance option not been used.

3552 (b) The parent [~~or guardian~~] of the student shall arrange for the student's transportation
3553 to and from school, except that the district shall provide transportation on the basis of available
3554 space on an approved route within the district to the school of the student's attendance if the
3555 student would be otherwise eligible for transportation to the same school from that point on the
3556 bus route and the student's presence does not increase the cost of the bus route.

3557 Section 90. Section **53G-6-501** is amended to read:

3558 **53G-6-501. Definitions.**

3559 As used in this part:

3560 (1) "Asset" means the same as that term is defined in Section **53G-5-102**.

3561 (2) "Board of trustees of a higher education institution" or "board of trustees" means

the same as that term is defined in Section 53G-5-102.

~~[(3) "Charter agreement" or "charter" means the same as that term is defined in Section 53G-5-102.]~~

~~[(4)] (3)~~ "Charter school authorizer" or "authorizer" means the same as that term is defined in Section 53G-5-102.

~~[(5) "Governing board" means the same as that term is defined in Section 53G-5-102.]~~

Section 91. Section 53G-6-502 is amended to read:

53G-6-502. Eligible students.

(1) As used in this section:

(a) "At capacity" means operating above the school's open enrollment threshold.

~~[(b) "District school" means a public school under the control of a local school board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.]~~

~~[(c)] (b)~~ "Open enrollment threshold" means the same as that term is defined in Section 53G-6-401.

~~[(d)] (c)~~ "Refugee" means a person who is eligible to receive benefits and services from the federal Office of Refugee Resettlement.

~~[(e)] (d)~~ "School of residence" means the same as that term is defined in Section 53G-6-401.

(2) All resident students of the state qualify for admission to a charter school, subject to the limitations set forth in this section and Section 53G-6-503.

(3) (a) A charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or the charter school.

(b) If the number of applications exceeds the capacity of a program, class, grade level, or the charter school, the charter school shall select students on a random basis, except as provided in Subsections (4) through (8).

(4) A charter school may give an enrollment preference to:

(a) a child or grandchild of an individual who has actively participated in the development of the charter school;

(b) a child or grandchild of a member of the charter school governing board;

3593 (c) a sibling of an individual who was previously or is presently enrolled in the charter
3594 school;

3595 (d) a child of an employee of the charter school;

3596 (e) a student articulating between charter schools offering similar programs that are
3597 governed by the same charter school governing board;

3598 (f) a student articulating from one charter school to another pursuant to an articulation
3599 agreement between the charter schools that is approved by the State Charter School Board; or

3600 (g) a student who resides within up to a two-mile radius of the charter school and
3601 whose school of residence is at capacity.

3602 (5) (a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(g),
3603 a charter school that is approved by the [~~State Board of Education~~] state board after May 13,
3604 2014, and is located in a high growth area as defined in Section 53G-6-504 shall give an
3605 enrollment preference to a student who resides within a two-mile radius of the charter school.

3606 (b) The requirement to give an enrollment preference under Subsection (5)(a) does not
3607 apply to a charter school that was approved without a high priority status pursuant to
3608 Subsection 53G-6-504(7)(b).

3609 (6) If a district school converts to charter status, the charter school shall give an
3610 enrollment preference to students who would have otherwise attended it as a district school.

3611 (7) (a) A charter school whose mission is to enhance learning opportunities for
3612 refugees or children of refugee families may give an enrollment preference to refugees or
3613 children of refugee families.

3614 (b) A charter school whose mission is to enhance learning opportunities for English
3615 language learners may give an enrollment preference to English language learners.

3616 (8) A charter school may weight the charter school's lottery to give a slightly better
3617 chance of admission to educationally disadvantaged students, including:

3618 (a) low-income students;

3619 (b) students with disabilities;

3620 (c) English language learners;

3621 (d) migrant students;

3622 (e) neglected or delinquent students; and

3623 (f) homeless students.

(9) A charter school may not discriminate in the charter school's admission policies or practices on the same basis as other public schools may not discriminate in admission policies and practices.

Section 92. Section ~~53G-6-503~~ is amended to read:

53G-6-503. Charter school students -- Admissions procedures -- Transfers.

(1) As used in this section:

~~[(a) "District school" means a public school under the control of a local school board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.]~~

~~[(b)]~~ (a) "Nonresident school district" means a school district other than a student's school district of residence.

~~[(c)]~~ (b) "School district of residence" means a student's school district of residence as determined under Section ~~53G-6-302~~.

~~[(d)]~~ (c) "School of residence" means the school to which a student is assigned to attend based on the student's place of residence.

(2) (a) The ~~[State School Board]~~ state board, in consultation with the State Charter School Board, shall make rules describing procedures for students to follow in applying for entry into, or exiting, a charter school.

(b) The rules under Subsection (2)(a) shall, at a minimum, provide for:

(i) posting on a charter school's Internet website, beginning no later than 60 days before the school's initial period of applications:

(A) procedures for applying for admission to the charter school;

(B) the school's opening date, if the school has not yet opened, or the school calendar;

and

(C) information on how a student may transfer from a charter school to another charter school or a district school;

(ii) written notification to a student's parent ~~[or legal guardian]~~ of an offer of admission;

(iii) written acceptance of an offer of admission by a student's parent ~~[or legal guardian]~~;

(iv) written notification to a student's current charter school or school district of

3655 residence upon acceptance of the student for enrollment in a charter school; and

3656 (v) the admission of students at:

3657 (A) any time to protect the health or safety of a student; or

3658 (B) times other than those permitted under standard policies if there are other

3659 conditions of special need that warrant consideration.

3660 (c) The rules under Subsection (2)(a) shall prevent the parent of a student who is

3661 enrolled in a charter school or who has accepted an offer of admission to a charter school from

3662 duplicating enrollment for the student in another charter school or a school district without

3663 following the withdrawal procedures described in Subsection (3).

3664 (3) The parent of a student enrolled in a charter school may withdraw the student from

3665 the charter school for enrollment in another charter school or a school district by submitting to

3666 the charter school:

3667 (a) on or before June 30, a notice of intent to enroll the student in the student's school

3668 of residence for the following school year;

3669 (b) after June 30, a letter of acceptance for enrollment in the student's school district of

3670 residence for the following year;

3671 (c) a letter of acceptance for enrollment in the student's school district of residence in

3672 the current school year;

3673 (d) a letter of acceptance for enrollment in a nonresident school district; or

3674 (e) a letter of acceptance for enrollment in a charter school.

3675 (4) (a) A charter school shall report to a school district, by the last business day of each

3676 month the aggregate number of new students, sorted by their school of residence and grade

3677 level, who have accepted enrollment in the charter school for the following school year.

3678 (b) A school district shall report to a charter school, by the last business day of each

3679 month, the aggregate number of students enrolled in the charter school who have accepted

3680 enrollment in the school district in the following school year, sorted by grade level.

3681 (5) When a vacancy occurs because a student has withdrawn from a charter school, the

3682 charter school may immediately enroll a new student from its list of applicants.

3683 (6) Unless provisions have previously been made for enrollment in another school, a

3684 charter school releasing a student from enrollment during a school year shall immediately

3685 notify the school district of residence, which shall enroll the student in the school district of

3686 residence and take additional steps as may be necessary to ensure compliance with laws
3687 governing school attendance.

3688 (7) (a) The parent of a student enrolled in a charter school may withdraw the student
3689 from the charter school for enrollment in the student's school of residence in the following
3690 school year if an application of admission is submitted to the school district of residence by
3691 June 30.

3692 (b) If the parent of a student enrolled in a charter school submits an application of
3693 admission to the student's school district of residence after June 30 for the student's enrollment
3694 in the school district of residence in the following school year, or an application of admission is
3695 submitted for enrollment during the current school year, the student may enroll in a school of
3696 the school district of residence that has adequate capacity in:

3697 (i) the student's grade level, if the student is an elementary school student; or
3698 (ii) the core classes that the student needs to take, if the student is a secondary school
3699 student.

3700 (c) [~~State Board of Education~~] State board rules made under Subsection (2)(a) shall
3701 specify how adequate capacity in a grade level or core classes is determined for the purposes of
3702 Subsection (7)(b).

3703 (8) Notwithstanding Subsection (7), a school district may enroll a student at any time
3704 to protect the health and safety of the student.

3705 (9) A school district or charter school may charge secondary students a one-time \$5
3706 processing fee, to be paid at the time of application.

3707 Section 93. Section **53G-6-504** is amended to read:

3708 **53G-6-504. Approval of increase in charter school enrollment capacity --**
3709 **Expansion.**

3710 (1) For the purposes of this section:

3711 (a) "High growth area" means an area of the state where school enrollment is
3712 significantly increasing or projected to significantly increase.

3713 (b) "Next school year" means the school year that begins on or after the July 1
3714 immediately following the end of a general session of the Legislature.

3715 (2) The [~~State Board of Education~~] state board may approve an increase in charter
3716 school enrollment capacity subject to the Legislature:

3717 (a) appropriating funds for an increase in charter school enrollment capacity in the next
3718 school year; or

3719 (b) authorizing an increase in charter school enrollment capacity in the school year
3720 immediately following the next school year.

3721 (3) In appropriating funds for, or authorizing, an increase in charter school enrollment
3722 capacity, the Legislature shall provide a separate appropriation or authorization of enrollment
3723 capacity for a charter school proposed and approved in response to a request for applications
3724 issued under Section 53G-5-301.

3725 (4) (a) A charter school may annually submit a request to the [~~State Board of~~
3726 ~~Education~~] state board for an increase in enrollment capacity in the amount of .25 times the
3727 number of students in grades 9 through 12 enrolled in an online course in the previous school
3728 year through the Statewide Online Education Program.

3729 (b) A charter school shall submit a request for an increase in enrollment capacity
3730 pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase
3731 in enrollment capacity is requested.

3732 (c) The [~~State Board of Education~~] state board shall approve a request for an increase
3733 in enrollment capacity made under Subsection (4)(a) subject to the availability of sufficient
3734 funds appropriated under Title 53F, Chapter 2, Part 7, Charter School Funding, to provide the
3735 full amount of the per student allocation for each charter school student in the state to
3736 supplement school district property tax revenues.

3737 (d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a
3738 permanent increase in the charter school's enrollment capacity.

3739 (5) (a) On or before January 1, 2017, [~~in accordance with Title 63G, Chapter 3, Utah~~
3740 ~~Administrative Rulemaking Act, the State Board of Education~~] the state board shall, after
3741 considering suggestions from charter school authorizers, make rules establishing requirements,
3742 procedures, and deadlines for an expansion of a charter school.

3743 (b) The rules described in Subsection (5)(a) shall include rules related to:

3744 (i) an expansion of a charter school when another charter school issues a notice of
3745 closure; and

3746 (ii) the establishment of a satellite campus.

3747 (6) (a) If the Legislature does not appropriate funds for an increase in charter school

enrollment capacity that is tentatively approved by the ~~[State Board of Education]~~ state board, the ~~[State Board of Education]~~ state board shall prioritize the tentatively approved schools and expansions based on approved funds.

(b) A charter school or expansion that is tentatively approved, but not funded, shall be considered to be tentatively approved for the next application year and receive priority status for available funding.

(7) (a) Except as provided in Subsection (6)(b) or (7)(b), in approving an increase in charter school enrollment capacity for new charter schools and expanding charter schools, the ~~[State Board of Education]~~ state board shall give:

(i) high priority to approving a new charter school or a charter school expansion in a high growth area; and

(ii) low priority to approving a new charter school or a charter school expansion in an area where student enrollment is stable or declining.

(b) An applicant seeking to establish a charter school in a high growth area may elect to not receive high priority status as provided in Subsection (7)(a)(i).

Section 94. Section **53G-6-702** is amended to read:

53G-6-702. Dual enrollment.

~~[(1)(a) "District school" means a public school under the control of a local school board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.]~~

~~[(b)]~~ (1) ["Minor"] As used in this section, "minor" means the same as that term is defined in Section **53G-6-201**.

(2) A person having control of a minor who is enrolled in a regularly established private school or a home school may also enroll the minor in a public school for dual enrollment purposes.

(3) The minor may participate in any academic activity in the public school available to students in the minor's grade or age group, subject to compliance with the same rules and requirements that apply to a full-time student's participation in the activity.

(4) (a) A student enrolled in a dual enrollment program in a district school is considered a student of the district in which the district school of attendance is located for purposes of state funding to the extent of the student's participation in the district school

3779 programs.

3780 (b) A student enrolled in a dual enrollment program in a charter school is considered a
3781 student of the charter school for purposes of state funding to the extent of the student's
3782 participation in the charter school programs.

3783 (5) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
3784 ~~the State Board of Education]~~ The state board shall make rules for purposes of dual enrollment
3785 to govern and regulate the transferability of credits toward graduation that are earned in a
3786 private or home school.

3787 Section 95. Section **53G-6-703** is amended to read:

3788 **53G-6-703. Private school and home school students' participation in**
3789 **extracurricular activities in a public school.**

3790 (1) As used in this section:

3791 (a) "Academic eligibility requirements" means the academic eligibility requirements
3792 that a home school student is required to meet to participate in an extracurricular activity in a
3793 public school.

3794 (b) "Minor" means the same as that term is defined in Section [53G-6-201](#).

3795 (c) "Parent" means the same as that term is defined in Section [53G-6-201](#).

3796 (d) "Principal" means the principal of the school in which a home school student
3797 participates or intends to participate in an extracurricular activity.

3798 (2) (a) A minor who is enrolled in a private school or a home school shall be eligible to
3799 participate in an extracurricular activity at a public school as provided in this section.

3800 (b) A private school student may only participate in an extracurricular activity at a
3801 public school that is not offered by the student's private school.

3802 (c) Except as provided in Subsection (2)(d), a private school student or a home school
3803 student may only participate in an extracurricular activity at:

3804 (i) the school within whose attendance boundaries the student's custodial parent ~~[or~~
3805 ~~legal guardian]~~ resides; or

3806 (ii) the school from which the student withdrew for the purpose of attending a private
3807 or home school.

3808 (d) A school other than a school described in Subsection (2)(c)(i) or (ii) may allow a
3809 private school student or a home school student to participate in an extracurricular activity

3810 other than:

3811 (i) an interscholastic competition of athletic teams sponsored and supported by a public
3812 school; or

3813 (ii) an interscholastic contest or competition for music, drama, or forensic groups or
3814 teams sponsored and supported by a public school.

3815 (3) (a) Except as provided in Subsections (4) through (13), a private school or home
3816 school student shall be eligible to participate in an extracurricular activity at a public school
3817 consistent with eligibility standards:

3818 (i) applied to a fully enrolled public school student;

3819 (ii) of the public school where the private school or home school student participates in
3820 an extracurricular activity; and

3821 (iii) for the extracurricular activity in which the private school or home school student
3822 participates.

3823 (b) A school district or public school may not impose additional requirements on a
3824 private school or home school student to participate in an extracurricular activity that are not
3825 imposed on a fully enrolled public school student.

3826 (c) (i) A private school or home school student who participates in an extracurricular
3827 activity at a public school shall pay the same fees as required of a fully enrolled public school
3828 student to participate in an extracurricular activity.

3829 (ii) If a local school board or charter school governing board imposes a mandatory
3830 student activity fee for a student enrolled in a public school, the fee may be imposed on a
3831 private school or home school student who participates in an extracurricular activity at the
3832 public school if the same benefits of paying the mandatory student activity fee that are
3833 available to a fully enrolled public school student are available to a private school or home
3834 school student who participates in an extracurricular activity at the public school.

3835 (4) Eligibility requirements based on school attendance are not applicable to a home
3836 school student.

3837 (5) A home school student meets academic eligibility requirements to participate in an
3838 extracurricular activity if:

3839 (a) the student is mastering the material in each course or subject being taught; and

3840 (b) the student is maintaining satisfactory progress towards achievement or promotion.

(6) (a) To establish a home school student's academic eligibility, a parent, teacher, or organization providing instruction to the student shall submit an affidavit to the principal indicating the student meets academic eligibility requirements.

(b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school student shall:

(i) be considered to meet academic eligibility requirements; and

(ii) retain academic eligibility for all extracurricular activities during the activity season for which the affidavit is submitted, until:

(A) a panel established under Subsection (10) determines the home school student does not meet academic eligibility requirements; or

(B) the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the student no longer meets academic eligibility requirements.

(7) (a) A home school student who loses academic eligibility pursuant to Subsection (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the home school student has reestablished academic eligibility.

(b) If a home school student reestablishes academic eligibility pursuant to Subsection (7)(a), the home school student may participate in extracurricular activities for the remainder of the activity season for which an affidavit was submitted under Subsection (6)(a).

(8) A person who has probable cause to believe a home school student does not meet academic eligibility requirements may submit an affidavit to the principal:

(a) asserting the home school student does not meet academic eligibility requirements; and

(b) providing information indicating that the home school student does not meet the academic eligibility requirements.

(9) A principal shall review the affidavit submitted under Subsection (8), and if the principal determines it contains information which constitutes probable cause to believe a home school student may not meet academic eligibility requirements, the principal shall request a panel established pursuant to Subsection (10) to verify the student's compliance with academic eligibility requirements.

3872 (10) (a) A school district superintendent shall:

3873 (i) appoint a panel of three individuals to verify a home school student's compliance
3874 with academic eligibility requirements when requested by a principal pursuant to Subsection
3875 (9); and

3876 (ii) select the panel members from nominees submitted by national, state, or regional
3877 organizations whose members are home school students and parents.

3878 (b) Of the members appointed to a panel under Subsection (10)(a):

3879 (i) one member shall have experience teaching in a public school as a licensed teacher
3880 and in home schooling high school-age students;

3881 (ii) one member shall have experience teaching in a higher education institution and in
3882 home schooling; and

3883 (iii) one member shall have experience in home schooling high school-age students.

3884 (11) A panel appointed under Subsection (10):

3885 (a) shall review the affidavit submitted under Subsection (8);

3886 (b) may confer with the person who submitted the affidavit under Subsection (8);

3887 (c) shall request the home school student to submit test scores or a portfolio of work
3888 documenting the student's academic achievement to the panel;

3889 (d) shall review the test scores or portfolio of work; and

3890 (e) shall determine whether the home school student meets academic eligibility
3891 requirements.

3892 (12) A home school student who meets academic eligibility requirements pursuant to
3893 Subsection (11), retains academic eligibility for all extracurricular activities during the activity
3894 season for which an affidavit is submitted pursuant to Subsection (6).

3895 (13) (a) A panel's determination that a home school student does not comply with
3896 academic eligibility requirements is effective for an activity season and all extracurricular
3897 activities that have academic eligibility requirements.

3898 (b) A home school student who is not in compliance with academic eligibility
3899 requirements as determined by a panel appointed under Subsection (11) may seek to establish
3900 academic eligibility under this section for the next activity season.

3901 (14) (a) A public school student who has been declared to be academically ineligible to
3902 participate in an extracurricular activity and who subsequently enrolls in a home school shall

3903 lose eligibility for participation in the extracurricular activity until the student:

3904 (i) demonstrates academic eligibility by providing test results or a portfolio of the
3905 student's work to the school principal, provided that a student may not reestablish academic
3906 eligibility under this Subsection (14)(a) during the same activity season in which the student
3907 was declared to be academically ineligible;

3908 (ii) returns to public school and reestablishes academic eligibility; or

3909 (iii) enrolls in a private school and establishes academic eligibility.

3910 (b) A public school student who has been declared to be behaviorally ineligible to
3911 participate in an extracurricular activity and who subsequently enrolls in a home school shall
3912 lose eligibility for participation in the extracurricular activity until the student meets eligibility
3913 standards as provided in Subsection (3).

3914 (15) When selection to participate in an extracurricular activity at a public school is
3915 made on a competitive basis, a private school student and a home school student shall be
3916 eligible to try out for and participate in the activity as provided in this section.

3917 (16) (a) If a student exits a public school to enroll in a private or home school
3918 mid-semester or during an activity season, and the student desires to participate in an
3919 extracurricular activity at the public school, the public school shall issue an interim academic
3920 assessment based on the student's work in each class.

3921 (b) A student's academic eligibility to participate in an extracurricular activity under
3922 the circumstances described in Subsection (16)(a) shall be based on the student meeting public
3923 school academic eligibility standards at the time of exiting public school.

3924 (c) A student may appeal an academic eligibility determination made under Subsection
3925 (16)(b) in accordance with procedures for appealing a public school student's academic
3926 eligibility.

3927 Section 96. Section **53G-6-704** is amended to read:

3928 **53G-6-704. Charter school students' participation in extracurricular activities at**
3929 **other public schools.**

3930 (1) A charter school student is eligible to participate in an extracurricular activity not
3931 offered by the student's charter school at:

3932 (a) the school within whose attendance boundaries the student's custodial parent [or
3933 ~~legal guardian~~] resides;

(b) the public school from which the student withdrew for the purpose of attending a charter school; or

(c) a public school that is not a charter school if the student's charter school is located on the campus of the public school or has local school board approval to locate on the campus of the public school.

(2) In addition to the public schools listed in Subsection (1), the ~~[State Board of Education]~~ state board may establish rules to allow a charter school student to participate in an extracurricular activity at a public school other than a public school listed in Subsection (1).

(3) A school other than a school described in Subsection (1)(a), (b), or (c) may allow a charter school student to participate in extracurricular activities other than:

(a) interschool competitions of athletic teams sponsored and supported by a public school; or

(b) interschool contests or competitions for music, drama, or forensic groups or teams sponsored and supported by a public school.

(4) A charter school student is eligible for extracurricular activities at a public school consistent with eligibility standards as applied to full-time students of the public school.

(5) A school district or public school may not impose additional requirements on a charter school student to participate in extracurricular activities that are not imposed on full-time students of the public school.

(6) (a) The ~~[State Board of Education]~~ state board shall make rules establishing fees for charter school students' participation in extracurricular activities at school district schools.

(b) The rules shall provide that:

(i) charter school students pay the same fees as other students to participate in extracurricular activities;

(ii) charter school students are eligible for fee waivers pursuant to Section [53G-7-504](#);

(iii) for each charter school student who participates in an extracurricular activity at a school district school, the charter school shall pay a share of the school district's costs for the extracurricular activity; and

(iv) a charter school's share of the costs of an extracurricular activity shall reflect state and local tax revenues expended, except capital facilities expenditures, for an extracurricular activity in a school district or school divided by total student enrollment of the school district

3965 or school.

3966 (c) In determining a charter school's share of the costs of an extracurricular activity
3967 under Subsections (6)(b)(iii) and (iv), the [~~State Board of Education~~] state board may establish
3968 uniform fees statewide based on average costs statewide or average costs within a sample of
3969 school districts.

3970 (7) When selection to participate in an extracurricular activity at a public school is
3971 made on a competitive basis, a charter school student is eligible to try out for and participate in
3972 the activity as provided in this section.

3973 Section 97. Section **53G-6-705** is amended to read:

3974 **53G-6-705. Online students' participation in extracurricular activities.**

3975 (1) As used in this section:

3976 (a) "Online education" means the use of information and communication technologies
3977 to deliver educational opportunities to a student in a location other than a school.

3978 (b) "Online student" means a student who:

3979 (i) participates in an online education program sponsored or supported by the [~~State~~
3980 ~~Board of Education~~] state board, a school district, or charter school; and

3981 (ii) generates funding for the school district or school pursuant to Subsection
3982 **53F-2-102**[(6)](4) and rules of the [~~State Board of Education~~] state board.

3983 (2) An online student is eligible to participate in extracurricular activities at:

3984 (a) the school within whose attendance boundaries the student's custodial parent [~~or~~
3985 ~~legal guardian~~] resides; or

3986 (b) the public school from which the student withdrew for the purpose of participating
3987 in an online education program.

3988 (3) A school other than a school described in Subsection (2)(a) or (b) may allow an
3989 online student to participate in extracurricular activities other than:

3990 (a) interschool competitions of athletic teams sponsored and supported by a public
3991 school; or

3992 (b) interschool contests or competitions for music, drama, or forensic groups or teams
3993 sponsored and supported by a public school.

3994 (4) An online student is eligible for extracurricular activities at a public school
3995 consistent with eligibility standards as applied to full-time students of the public school.

(5) A school district or public school may not impose additional requirements on an online school student to participate in extracurricular activities that are not imposed on full-time students of the public school.

(6) (a) The [~~State Board of Education~~] state board shall make rules establishing fees for an online school student's participation in extracurricular activities at school district schools.

(b) The rules shall provide that:

(i) online school students pay the same fees as other students to participate in extracurricular activities;

(ii) online school students are eligible for fee waivers pursuant to Section 53G-7-504;

(iii) for each online school student who participates in an extracurricular activity at a school district school, the online school shall pay a share of the school district's costs for the extracurricular activity; and

(iv) an online school's share of the costs of an extracurricular activity shall reflect state and local tax revenues expended, except capital facilities expenditures, for an extracurricular activity in a school district or school divided by total student enrollment of the school district or school.

(c) In determining an online school's share of the costs of an extracurricular activity under Subsections (6)(b)(iii) and (iv), the [~~State Board of Education~~] state board may establish uniform fees statewide based on average costs statewide or average costs within a sample of school districts.

(7) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, an online student is eligible to try out for and participate in the activity as provided in this section.

Section 98. Section 53G-6-706 is amended to read:

53G-6-706. Placement of a home school student who transfers to a public school.

(1) For the purposes of this section:

(a) "Home school student" means a student who attends a home school pursuant to Section 53G-6-204.

(b) "Parent" means the same as that term is defined in Section 53G-6-201.

(2) When a home school student transfers from a home school to a public school, the public school shall place the student in the grade levels, classes, or courses that the student's

parent ~~[or guardian]~~ and in consultation with the school administrator determine are appropriate based on the parent's ~~[or guardian's]~~ assessment of the student's academic performance.

(3) (a) Within 30 days of a home school student's placement in a public school grade level, class, or course, either the student's teacher or the student's parent ~~[or guardian]~~ may request a conference to consider changing the student's placement.

(b) If the student's teacher and the student's parent ~~[or guardian]~~ agree on a placement change, the public school shall place the student in the agreed upon grade level, class, or course.

(c) If the student's teacher and the student's parent ~~[or guardian]~~ do not agree on a placement change, the public school shall evaluate the student's subject matter mastery in accordance with Subsection (3)(d).

(d) The student's parent ~~[or guardian]~~ has the option of:

(i) allowing the public school to administer, to the student, assessments that are:

(A) regularly administered to public school students; and

(B) used to measure public school students' subject matter mastery and determine placement; or

(ii) having a private entity or individual administer assessments of subject matter mastery to the student at the parent's ~~[or guardian's]~~ expense.

(e) After an evaluation of a student's subject matter mastery, a public school may change a student's placement in a grade level, class, or course.

(4) This section does not apply to a student who is dual enrolled in a public school and a home school pursuant to Section [53G-6-702](#).

Section 99. Section **53G-6-707** is amended to read:

53G-6-707. Interstate compact students -- Inclusion in attendance count -- Foreign exchange students -- Annual report -- Requirements for exchange student agencies.

(1) A school district or charter school may include the following students in the district's or school's membership and attendance count for the purpose of apportionment of state money:

(a) a student enrolled under an interstate compact, established between the ~~[State Board~~

of Education] state board and the state education authority of another state, under which a student from one compact state would be permitted to enroll in a public school in the other compact state on the same basis as a resident student of the receiving state; or

(b) a student receiving services under Title 62A, Chapter 4a, Part 7, Interstate Compact on Placement of Children.

(2) A school district or charter school may:

(a) enroll foreign exchange students that do not qualify for state money; and

(b) pay for the costs of those students with other funds available to the school district or charter school.

(3) Due to the benefits to all students of having the opportunity to become familiar with individuals from diverse backgrounds and cultures, school districts are encouraged to enroll foreign exchange students, as provided in Subsection (2), particularly in schools with declining or stable enrollments where the incremental cost of enrolling the foreign exchange student may be minimal.

(4) The state board shall make an annual report to the Legislature on the number of exchange students and the number of interstate compact students sent to or received from public schools outside the state.

(5) (a) A local school board or charter school governing board shall require each approved exchange student agency to provide it with a sworn affidavit of compliance prior to the beginning of each school year.

(b) The affidavit shall include the following assurances:

(i) that the agency has complied with all applicable policies of the state board;

(ii) that a household study, including a background check of all adult residents, has been made of each household where an exchange student is to reside, and that the study was of sufficient scope to provide reasonable assurance that the exchange student will receive proper care and supervision in a safe environment;

(iii) that host parents have received training appropriate to their positions, including information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who are in a position of special trust;

(iv) that a representative of the exchange student agency shall visit each student's place of residence at least once each month during the student's stay in Utah;

4089 (v) that the agency will cooperate with school and other public authorities to ensure
4090 that no exchange student becomes an unreasonable burden upon the public schools or other
4091 public agencies;

4092 (vi) that each exchange student will be given in the exchange student's native language
4093 names and telephone numbers of agency representatives and others who could be called at any
4094 time if a serious problem occurs; and

4095 (vii) that alternate placements are readily available so that no student is required to
4096 remain in a household if conditions appear to exist which unreasonably endanger the student's
4097 welfare.

4098 (6) (a) A local school board or charter school governing board shall provide each
4099 approved exchange student agency with a list of names and telephone numbers of individuals
4100 not associated with the agency who could be called by an exchange student in the event of a
4101 serious problem.

4102 (b) The agency shall make a copy of the list available to each of its exchange students
4103 in the exchange student's native language.

4104 (7) Notwithstanding Subsection 53F-2-303(3)(a), a school district or charter school
4105 shall enroll a foreign exchange student if the foreign exchange student:

4106 (a) is sponsored by an agency approved by the [~~State Board of Education~~] state board;

4107 (b) attends the same school during the same time period that another student from the
4108 school is:

4109 (i) sponsored by the same agency; and

4110 (ii) enrolled in a school in a foreign country; and

4111 (c) is enrolled in the school for one year or less.

4112 Section 100. Section 53G-6-708 is amended to read:

4113 **53G-6-708. Career and technical education program alternatives.**

4114 (1) A secondary student may attend a technical college described in Section
4115 53B-2a-105 if the secondary student's career and technical education goals are better achieved
4116 by attending a technical college as determined by:

4117 (a) the secondary student; and

4118 (b) if the secondary student is a minor, the secondary student's parent [~~or legal~~
4119 guardian].

(2) A secondary student served under this section by a technical college described in Section **53B-2a-105** shall be counted in the average daily membership of the sending school district or charter school.

Section 101. Section **53G-6-801** is amended to read:

53G-6-801. Definitions.

As used in this part:

(1) "Federal law" means:

(a) a statute passed by the Congress of the United States; or

(b) a final regulation:

(i) adopted by an administrative agency of the United States government; and

(ii) published in the code of federal regulations or the federal register.

~~[(2) "Individualized Education Program" or "IEP" means a written statement, for a student with a disability, that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.]~~

~~[(3) "LEA" means a school district, charter school, or the Utah Schools for the Deaf and the Blind.]~~

~~[(4)]~~ (2) "Reasonably accommodate" means an LEA shall make its best effort to enable a parent ~~[or guardian]~~ to exercise a parental right specified in Section **53G-6-803**:

(a) without substantial impact to staff and resources, including employee working conditions, safety and supervision on school premises and for school activities, and the efficient allocation of expenditures; and

(b) while balancing:

(i) the parental rights of parents ~~[or guardians]~~;

(ii) the educational needs of other students;

(iii) the academic and behavioral impacts to a classroom;

(iv) a teacher's workload; and

(v) the assurance of the safe and efficient operation of a school.

Section 102. Section **53G-6-802** is amended to read:

53G-6-802. Annual notice of parental rights.

(1) An LEA shall annually notify a parent ~~[or guardian]~~ of a student enrolled in the LEA of the parent's ~~[or guardian's]~~ rights as specified in this part.

(2) An LEA satisfies the notification requirement described in Subsection (1) by posting the information on the LEA's website or through other means of electronic communication.

Section 103. Section **53G-6-803** is amended to read:

53G-6-803. Parental right to academic accommodations.

(1) (a) A student's parent [~~or guardian~~] is the primary person responsible for the education of the student, and the state is in a secondary and supportive role to the parent [~~or guardian~~]. As such, a student's parent [~~or guardian~~] has the right to reasonable academic accommodations from the student's LEA as specified in this section.

(b) Each accommodation shall be considered on an individual basis and no student shall be considered to a greater or lesser degree than any other student.

(c) The parental rights specified in this section do not include all the rights or accommodations that may be available to a student's parent [~~or guardian~~] as a user of the public education system.

(d) An accommodation under this section may only be provided if the accommodation is:

(i) consistent with federal law; and

(ii) consistent with a student's IEP if the student already has an IEP.

(2) An LEA shall reasonably accommodate a parent's [~~or guardian's~~] written request to retain a student in kindergarten through grade 8 on grade level based on the student's academic ability or the student's social, emotional, or physical maturity.

(3) An LEA shall reasonably accommodate a parent's [~~or guardian's~~] initial selection of a teacher or request for a change of teacher.

(4) An LEA shall reasonably accommodate the request of a student's parent [~~or guardian~~] to visit and observe any class the student attends.

(5) Notwithstanding Part 2, Compulsory Education, an LEA shall record an excused absence for a scheduled family event or a scheduled proactive visit to a health care provider if:

(a) the parent [~~or guardian~~] submits a written statement at least one school day before the scheduled absence; and

(b) the student agrees to make up course work for school days missed for the scheduled absence in accordance with LEA policy.

(6) (a) An LEA shall reasonably accommodate a parent's ~~[or guardian's]~~ written request to place a student in a specialized class, a specialized program, or an advanced course.

(b) An LEA shall consider multiple academic data points when determining an accommodation under Subsection (6)(a).

(7) Consistent with Section [53E-4-204](#), which requires the ~~[State Board of Education]~~ state board to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit towards high school graduation without completing a course in school by:

(a) testing out of the course; or

(b) demonstrating competency in course standards.

(8) An LEA shall reasonably accommodate a parent's ~~[or guardian's]~~ request to meet with a teacher at a mutually agreeable time if the parent ~~[or guardian]~~ is unable to attend a regularly scheduled parent teacher conference.

(9) (a) At the request of a student's parent ~~[or guardian]~~, an LEA shall excuse a student from taking an assessment that:

(i) is federally mandated;

(ii) is mandated by the state under this public education code; or

(iii) requires the use of:

(A) a state assessment system; or

(B) software that is provided or paid for by the state.

(b) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education]~~ The state board shall make rules:

(i) to establish a statewide procedure for excusing a student under Subsection (9)(a) that:

(A) does not place an undue burden on a parent ~~[or guardian]~~; and

(B) may be completed online; and

(ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school grading or employee evaluations due to a student not taking a test under Subsection (9)(a).

(c) An LEA:

(i) shall follow the procedures outlined in rules made by the ~~[State Board of Education]~~

4213 state board under Subsection (9)(b) to excuse a student under Subsection (9)(a);
4214 (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition
4215 to the procedures outlined in rules made by the ~~[State Board of Education]~~ state board under
4216 Subsection (9)(b); and
4217 (iii) may not reward a student for taking an assessment described in Subsection (9)(a).
4218 (d) The ~~[State Board of Education]~~ state board shall:
4219 (i) maintain and publish a list of state assessments, state assessment systems, and
4220 software that qualify under Subsection (9)(a); and
4221 (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).
4222 (10) (a) An LEA shall provide for:
4223 (i) the distribution of a copy of a school's discipline and conduct policy to each student
4224 in accordance with Section 53G-8-204; and
4225 (ii) a parent's ~~[or guardian's]~~ signature acknowledging receipt of the school's discipline
4226 and conduct policy.
4227 (b) An LEA shall notify a parent ~~[or guardian]~~ of a student's violation of a school's
4228 discipline and conduct policy and allow a parent ~~[or guardian]~~ to respond to the notice in
4229 accordance with Chapter 8, Part 2, School Discipline and Conduct Plans.
4230 Section 104. Section 53G-7-202 is amended to read:
4231 **53G-7-202. Waivers from state board rules.**
4232 (1) A charter school or any other public school or school district may apply to the
4233 ~~[State Board of Education]~~ state board for a waiver of any state board rule that inhibits or
4234 hinders the school or the school district from accomplishing its mission or educational goals set
4235 out in its strategic plan or charter agreement.
4236 (2) The state board may grant the waiver, unless:
4237 (a) the waiver would cause the school district or the school to be in violation of state or
4238 federal law; or
4239 (b) the waiver would threaten the health, safety, or welfare of students in the district or
4240 at the school.
4241 (3) If the ~~[State Board of Education]~~ state board denies the waiver, the reason for the
4242 denial shall be provided in writing to the waiver applicant.
4243 Section 105. Section 53G-7-203 is amended to read:

53G-7-203. Kindergartens -- Establishment -- Funding.

(1) Kindergartens are an integral part of the state's public education system.

(2) Each local [~~board of education~~] school board shall provide kindergarten classes free of charge for kindergarten children residing within the district.

(3) Kindergartens established under Subsection (2) shall receive state money under Title 53F, Public Education System -- Funding.

Section 106. Section **53G-7-205** is amended to read:

53G-7-205. Assessment of emerging and early reading skills -- Resources provided by school districts.

(1) The Legislature recognizes that well-developed reading skills help:

(a) children to succeed in school, develop self esteem, and build positive relationships with others;

(b) young adults to become independent learners; and

(c) adults to become and remain productive members of a rapidly changing technology-based society.

(2) (a) Each potential kindergarten student, the student's parent [~~or guardian~~], and kindergarten personnel at the student's school may participate in an assessment of the student's reading and numeric skills.

(b) The [~~State Board of Education~~] state board, in cooperation with the state's school districts, may develop the assessment instrument and any additional materials needed to implement and supplement the assessment program.

(3) The potential kindergarten student's teacher may use the assessment in planning and developing an instructional program to meet the student's identified needs.

(4) (a) Each school is encouraged to schedule the assessment early enough before the kindergarten starting date so that a potential kindergarten student's parent [~~or guardian~~] has time to develop the child's needed skills as identified by the assessment.

(b) Based on the assessment under Subsection (2), the school shall provide the potential student's parent [~~or guardian~~] with appropriate resource materials to assist the parent [~~or guardian~~] at home in the student's literacy development.

Section 107. Section **53G-7-206** is amended to read:

53G-7-206. Acceptance of credits and grades awarded by accredited schools.

4275 (1) (a) A public school shall accept credits and grades awarded to a student by a school
4276 accredited or approved by the [~~State Board of Education~~] state board or accredited or
4277 recognized by the Northwest Association of Accredited Schools as issued by the school,
4278 without alterations.

4279 (b) Credits awarded for a core standards for Utah public schools course shall be applied
4280 to fulfilling core standards for Utah public schools requirements.

4281 (2) Subsection (1) applies to credits awarded to a student who:

4282 (a) transfers to a public school; or

4283 (b) while enrolled in the public school, takes courses offered by another public or
4284 private school.

4285 (3) Subsection (1) applies to:

4286 (a) traditional classes in which an instructor is present in the classroom and the student
4287 is required to attend the class for a particular length of time;

4288 (b) open entry/open exit classes in which the student has the flexibility to begin or end
4289 study at any time, progress through course material at his own pace, and demonstrate
4290 competency when knowledge and skills have been mastered;

4291 (c) courses offered over the Internet; or

4292 (d) distance learning courses.

4293 Section 108. Section **53G-7-208** is amended to read:

4294 **53G-7-208. Local governmental entities and school districts -- Contracts and**
4295 **cooperation -- Disbursement of funds -- Municipal and county representative**
4296 **participation in local school board meetings -- Notice required.**

4297 (1) Local governmental entities and school districts may contract and cooperate with
4298 one another in matters affecting the health, welfare, education, and convenience of the
4299 inhabitants within their respective territorial limits.

4300 (2) A local governmental entity may disburse public funds in aid of a school district
4301 located wholly or partially within the limits of its jurisdiction.

4302 (3) (a) As used in this Subsection (3):

4303 (i) "Interested county executive" means the county executive or county manager of a
4304 county with unincorporated area within the boundary of a school district, or the designee of the
4305 county executive or county manager.

4306 (ii) "Interested mayor" means the mayor of a municipality that is partly or entirely
4307 within the boundary of a school district, or the mayor's designee.

4308 (b) A [~~school district~~] local school board shall allow an interested mayor and interested
4309 county executive to attend and participate in the local school board discussions at a [~~school~~
4310 ~~district~~] local school board meeting that is open to the public under Title 52, Chapter 4, Open
4311 and Public Meetings Act.

4312 (c) An interested county executive and interested mayor may attend and participate in
4313 local school board discussions at a [~~school district~~] local school board meeting that is closed to
4314 the public under Title 52, Chapter 4, Open and Public Meetings Act, if:

4315 (i) the [~~school district~~] local school board invites the interested county executive or
4316 interested mayor to attend and participate; and

4317 (ii) for a closed meeting held for the purpose of discussing the local school board's
4318 disposition or acquisition of real property, the interested county executive or interested mayor
4319 does not have a conflict of interest with respect to the real estate disposition or acquisition.

4320 (d) (i) A county or municipality may enter into an agreement with a school district
4321 under Title 11, Chapter 13, Interlocal Cooperation Act, to govern the attendance of an
4322 interested county executive or interested mayor at a [~~school district~~] local school board
4323 meeting.

4324 (ii) An agreement under Subsection (3)(d)(i) may not be inconsistent with the
4325 provisions of this Subsection (3).

4326 (e) Each local school board shall give notice of local school board meetings to each
4327 interested mayor and interested county executive.

4328 (f) The notice required under Subsection (3)(c) shall be provided by:

4329 (i) mail;

4330 (ii) e-mail; or

4331 (iii) other effective means agreed to by the person to whom notice is given.

4332 Section 109. Section **53G-7-213** is amended to read:

4333 **53G-7-213. Child care centers in public schools -- Requirements -- Availability --**
4334 **Compliance with state and local laws.**

4335 (1) (a) Upon receiving a request from a community group such as a community
4336 council, local PTA, or parent/student organization, a local school board may authorize the use

4337 of a part of any school building in the district to provide child care services for school aged
4338 children.

4339 (b) (i) The local school board shall provide written public notice of its intent to
4340 authorize a child care center.

4341 (ii) The local school board shall file a copy of the notice with the Office of Child Care
4342 within the Department of Workforce Services and the Department of Health.

4343 (2) (a) Establishment of a child care center in a public school building is contingent
4344 upon the local school board determining that the center will not interfere with the building's use
4345 for regular school purposes.

4346 (b) The decision shall be made at the sole discretion of the local school board.

4347 (c) A local school board may withdraw its approval to operate a child care center at any
4348 time if it determines that such use interferes with the operation or interest of the school.

4349 (d) The school district and its employees and agents are immune from any liability that
4350 might otherwise result from a withdrawal of approval if the withdrawal was made in good
4351 faith.

4352 (3) (a) The local school board shall charge a commercially reasonable fee for the use of
4353 a school building as a child care center so that the district does not incur an expense.

4354 (b) The fee shall include but not be limited to costs for utility, building maintenance,
4355 and administrative services supplied by the school that are related to the operation of the child
4356 care center.

4357 (4) (a) Child care service may be provided by governmental agencies other than school
4358 districts, nonprofit community service groups, or private providers.

4359 (b) If competitive proposals to provide child care services are submitted by the entities
4360 listed in Subsection (4)(a), the local school board shall give preference to the private provider
4361 and nonprofit community service groups so long as their proposals are judged to be at least
4362 equal to the proposal of the governmental agency.

4363 (c) It is intended that these programs function at the local community level with
4364 minimal state and district involvement.

4365 (5) It is the intent of the Legislature that providers not be required to go through a
4366 complex procedure in order to obtain approval for providing the service.

4367 (6) (a) Child care centers within a public school building shall make their services

4368 available to all children regardless of where the children reside.

4369 (b) If space and resources are limited, first priority shall be given to those who reside
4370 within the school boundaries where the center is located, and to the children of teachers and
4371 other employees of the school where the child care center is located.

4372 (c) Second priority shall be given to those who reside within the school district
4373 boundaries where the center is located.

4374 (7) (a) The local school board shall require proof of liability insurance which is
4375 adequate in the opinion of the local school board for use of school property as a child care
4376 center.

4377 (b) A school district participating in the state Risk Management Fund shall require the
4378 provider of child care services to comply with the applicable provisions of Title 63A, Chapter
4379 4, Risk Management.

4380 (8) Child care centers established under this section shall operate in compliance with
4381 state and local laws and regulations, including zoning and licensing requirements, and
4382 applicable school ~~[rules]~~ policies.

4383 (9) Except for Subsection (8), this section does not apply to child care centers
4384 established by a school district within a public school building if the center offers child care
4385 services primarily to children of employees or children of students of the school district.

4386 Section 110. Section **53G-7-214** is amended to read:

4387 **53G-7-214. Honorary high school diploma for certain veterans.**

4388 (1) A ~~[board of education of a school district]~~ local school board may award an
4389 honorary high school diploma to a veteran, if the veteran:

4390 (a) left high school before graduating in order to serve in the armed forces of the
4391 United States;

4392 (b) served in the armed forces of the United States during the period of World War II,
4393 the Korean War, or the Vietnam War;

4394 (c) (i) was honorably discharged; or

4395 (ii) was released from active duty because of a service-related disability; and

4396 (d) (i) resides within the school district; or

4397 (ii) resided within the school district at the time of leaving high school to serve in the
4398 armed forces of the United States.

4399 (2) To receive an honorary high school diploma, a veteran or immediate family
4400 member or guardian of a veteran shall submit to a local school board:

4401 (a) a request for an honorary high school diploma; and

4402 (b) information required by the local school board to verify the veteran's eligibility for
4403 an honorary high school diploma under Subsection (1).

4404 (3) At the request of a veteran, a veteran's immediate family member or guardian, or a
4405 local school board, the Department of Veterans and Military Affairs shall certify whether the
4406 veteran meets the requirements of Subsections (1)(b) and (c).

4407 Section 111. Section **53G-7-215** is amended to read:

4408 **53G-7-215. Competency-based education -- Recommendations -- Coordination.**

4409 (1) As used in this section, "competency-based education" means the same as that term
4410 is defined in Section **53F-5-501**.

4411 (2) A local school board or a charter school governing board may establish a
4412 competency-based education program.

4413 (3) A local school board or charter school governing board that establishes a
4414 competency-based education program shall:

4415 (a) establish assessments to accurately measure competency;

4416 (b) provide the assessments to an enrolled student at no cost to the student;

4417 (c) award credit to a student who demonstrates competency and subject mastery;

4418 (d) submit the competency-based standards to the [~~State Board of Education~~] state
4419 board for review; and

4420 (e) publish the competency-based standards on its website or by other electronic means
4421 readily accessible to the public.

4422 (4) A local school board or charter school governing board may:

4423 (a) on a random lottery-based basis, limit enrollment to courses that have been
4424 designated as competency-based courses;

4425 (b) waive or adapt traditional attendance requirements;

4426 (c) adjust class sizes to maximize the value of course instructors or course mentors;

4427 (d) enroll students from any geographic location within the state; and

4428 (e) provide proctored online competency-based assessments.

4429 Section 112. Section **53G-7-302** is amended to read:

4430 **53G-7-302. School district and charter school budgets.**

4431 (1) As used in this section:

4432 (a) "Budget officer" means:

4433 (i) for a school district, the school district's superintendent; or

4434 (ii) for a charter school, an individual selected by the charter school governing board.

4435 (b) [~~"Governing~~] "LEA governing board" means:

4436 (i) for a school district, the local school board; or

4437 (ii) for a charter school, the charter school governing board.

4438 (2) Before June 1 of each year, the budget officer shall prepare a tentative budget, with
4439 supporting documentation, to be submitted to the budget officer's LEA governing board.

4440 (3) The tentative budget and supporting documents shall include the following items:

4441 (a) the revenues and expenditures of the preceding fiscal year;

4442 (b) the estimated revenues and expenditures of the current fiscal year;

4443 (c) for a school district, an estimate of the revenues for the succeeding fiscal year based
4444 upon the lowest tax levy that will raise the required revenue, using the current year's taxable
4445 value as the basis for this calculation;

4446 (d) a detailed estimate of the essential expenditures for all purposes for the next
4447 succeeding fiscal year; and

4448 (e) the estimated financial condition of the school district or charter school by funds at
4449 the close of the current fiscal year.

4450 (4) The tentative budget shall be filed with the district business administrator or charter
4451 school executive director for public inspection at least 15 days before the date of the tentative
4452 budget's proposed adoption by the LEA governing board.

4453 Section 113. Section **53G-7-303** is amended to read:

4454 **53G-7-303. LEA governing board budget procedures.**

4455 (1) As used in this section:

4456 (a) "Budget officer" means:

4457 (i) for a school district, the school district's superintendent; or

4458 (ii) for a charter school, an individual selected by the charter school governing board.

4459 (b) [~~"Governing~~] "LEA governing board" means:

4460 (i) for a school district, the local school board; or

4461 (ii) for a charter school, the charter school governing board.

4462 (2) (a) For a school district, before June 30 of each year, a local school board shall
4463 adopt a budget and make appropriations for the next fiscal year.

4464 (b) For a school district, if the tax rate in the school district's proposed budget exceeds
4465 the certified tax rate defined in Section 59-2-924, the local school board shall comply with
4466 Section 59-2-919 in adopting the budget, except as provided by Section 53F-8-301.

4467 (3) (a) For a school district, before the adoption or amendment of a budget, a local
4468 school board shall hold a public hearing, as defined in Section 10-9a-103, on the proposed
4469 budget or budget amendment.

4470 (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act,
4471 in regards to the public hearing described in Subsection (3)(a), at least 10 days prior to the
4472 public hearing, a local school board shall:

4473 (i) publish a notice of the public hearing in a newspaper or combination of newspapers
4474 of general circulation in the school district, except as provided in Section 45-1-101;

4475 (ii) publish a notice of the public hearing electronically in accordance with Section
4476 45-1-101;

4477 (iii) file a copy of the proposed budget with the local school board's business
4478 administrator for public inspection; and

4479 (iv) post the proposed budget on the school district's Internet website.

4480 (c) A notice of a public hearing on a school district's proposed budget shall include
4481 information on how the public may access the proposed budget as provided in Subsections
4482 (3)(b)(iii) and (iv).

4483 (4) For a charter school, before June 30 of each year, a charter school governing board
4484 shall adopt a budget for the next fiscal year.

4485 (5) Within 30 days of adopting a budget, [a] an LEA governing board shall file a copy
4486 of the adopted budget with the state auditor and the [~~State Board of Education~~] state board.

4487 Section 114. Section 53G-7-304 is amended to read:

4488 **53G-7-304. Undistributed reserve in local school board budget.**

4489 (1) A local school board may adopt a budget with an undistributed reserve. The reserve
4490 may not exceed 5% of the maintenance and operation budget adopted by the local school board
4491 in accordance with a scale developed by the [~~State Board of Education~~] state board. The scale

4492 is based on the size of the school district's budget.

4493 (2) The local school board may appropriate all or a part of the undistributed reserve
4494 made to any expenditure classification in the maintenance and operation budget by written
4495 resolution adopted by a majority vote of the local school board setting forth the reasons for the
4496 appropriation. The local school board shall file a copy of the resolution with the [~~State Board~~
4497 ~~of Education~~] state board and the state auditor.

4498 (3) The local school board may not use undistributed reserves in the negotiation or
4499 settlement of contract salaries for school district employees.

4500 Section 115. Section **53G-7-305** is amended to read:

4501 **53G-7-305. Limits on appropriations -- Estimated expendable revenue.**

4502 (1) As used in this section:

4503 (a) "Budget officer" means:

4504 (i) for a school district, the school district's superintendent; or

4505 (ii) for a charter school, an individual selected by the charter school governing board.

4506 (b) [~~"Governing~~] "LEA governing board" means:

4507 (i) for a school district, the local school board; or

4508 (ii) for a charter school, the charter school governing board.

4509 (2) [~~Æ~~] An LEA governing board may not make an appropriation in excess of its
4510 estimated expendable revenue, including undistributed reserves, for the following fiscal year.

4511 (3) [~~Æ~~] An LEA governing board may reduce a budget appropriation at the LEA
4512 governing board's regular meeting if notice of the proposed action is given to all LEA
4513 governing board members and to the district superintendent or charter school executive
4514 director, as applicable, at least one week before the meeting.

4515 (4) For a school district, in determining the estimated expendable revenue, any existing
4516 deficits arising through excessive expenditures from former years are deducted from the
4517 estimated revenue for the ensuing year to the extent of at least 10% of the entire tax revenue of
4518 the district for the previous year.

4519 (5) For a school district, in the event of financial hardships, the local school board may
4520 deduct from the estimated expendable revenue for the ensuing year, by fund, at least 25% of
4521 the deficit amount.

4522 (6) For a school district, all estimated balances available for appropriations at the end

4523 of the fiscal year shall revert to the funds from which they were appropriated and shall be fund
4524 balances available for appropriation in the budget of the following year.

4525 (7) For a school district, an increase in an appropriation may not be made by the local
4526 school board unless the following steps are taken:

4527 (a) the local school board receives a written request from the district superintendent
4528 that sets forth the reasons for the proposed increase;

4529 (b) notice of the request is published:

4530 (i) in a newspaper of general circulation within the school district at least one week
4531 before the local school board meeting at which the request will be considered; and

4532 (ii) in accordance with Section 45-1-101, at least one week before the local school
4533 board meeting at which the request will be considered; and

4534 (c) the local school board holds a public hearing on the request before the local school
4535 board's acting on the request.

4536 Section 116. Section 53G-7-306 is amended to read:

4537 **53G-7-306. School district interfund transfers.**

4538 (1) A school district shall spend revenues only within the fund for which they were
4539 originally authorized, levied, collected, or appropriated.

4540 (2) Except as otherwise provided in this section, school district interfund transfers of
4541 residual equity are prohibited.

4542 (3) The ~~[State Board of Education]~~ state board may authorize school district interfund
4543 transfers of residual equity when a district states its intent to create a new fund or expand,
4544 contract, or liquidate an existing fund.

4545 (4) The ~~[State Board of Education]~~ state board may also authorize school district
4546 interfund transfers of residual equity for a financially distressed district if the state board
4547 determines the following:

4548 (a) the district has a significant deficit in its maintenance and operations fund caused
4549 by circumstances not subject to the administrative decisions of the district;

4550 (b) the deficit cannot be reasonably reduced under Section 53G-7-305; and

4551 (c) without the transfer, the school district will not be capable of meeting statewide
4552 educational standards adopted by the ~~[State Board of Education]~~ state board.

4553 (5) The board shall develop in rule standards for defining and aiding financially

4554 distressed school districts under this section [~~in accordance with Title 63G, Chapter 3, Utah~~
4555 ~~Administrative Rulemaking Act~~].

4556 (6) (a) All debt service levies not subject to certified tax rate hearings shall be recorded
4557 and reported in the debt service fund.

4558 (b) Debt service levies under Subsection 59-2-924 (5)(c) that are not subject to the
4559 public hearing provisions of Section 59-2-919 may not be used for any purpose other than
4560 retiring general obligation debt.

4561 (c) Amounts from these levies remaining in the debt service fund at the end of a fiscal
4562 year shall be used in subsequent years for general obligation debt retirement.

4563 (d) Any amounts left in the debt service fund after all general obligation debt has been
4564 retired may be transferred to the capital projects fund upon completion of the budgetary hearing
4565 process required under Section 53G-7-303.

4566 Section 117. Section 53G-7-307 is amended to read:

4567 **53G-7-307. Warrants drawn by budget officer.**

4568 (1) As used in this section:

4569 (a) "Budget officer" means:

4570 (i) for a school district, the school district's superintendent; or

4571 (ii) for a charter school, an individual selected by the charter school governing board.

4572 (b) [~~"Governing~~] "LEA governing board" means:

4573 (i) for a school district, the local school board; or

4574 (ii) for a charter school, the charter school governing board.

4575 (2) The budget officer of [~~a~~] an LEA governing board may not draw warrants on school
4576 district or charter school funds except in accordance with and within the limits of the budget
4577 passed by the LEA governing board.

4578 Section 118. Section 53G-7-309 is amended to read:

4579 **53G-7-309. Monthly budget reports.**

4580 (1) As used in this section:

4581 (a) "Budget officer" means:

4582 (i) for a school district, the school district's superintendent; or

4583 (ii) for a charter school, an individual selected by the charter school governing board.

4584 (b) [~~"Governing~~] "LEA governing board" means:

4585 (i) for a school district, the local school board; or

4586 (ii) for a charter school, the charter school governing board.

4587 (2) The business administrator or budget officer of [a] an LEA governing board shall
4588 provide each LEA governing board member with a report, on a monthly basis, that includes the
4589 following information:

4590 (a) the amounts of all budget appropriations;

4591 (b) the disbursements from the appropriations as of the date of the report; and

4592 (c) the percentage of the disbursements as of the date of the report.

4593 (3) Within five days of providing the monthly report described in Subsection (2) to [a]
4594 an LEA governing board, the business administrator or budget officer shall make a copy of the
4595 report available for public review.

4596 Section 119. Section **53G-7-402** is amended to read:

4597 **53G-7-402. Internal auditing program -- Audit committee -- Powers and duties.**

4598 (1) A local school board or charter school governing board shall establish an audit
4599 committee.

4600 (2) (a) The audit committee shall establish an internal audit program that provides
4601 internal audit services for the programs administered by the local education agency.

4602 (b) A local education agency that has fewer than 10,000 students is not subject to
4603 Subsection (2)(a).

4604 (3) (a) A local school board or charter school governing board shall appoint the audit
4605 director, with the advisement of the audit committee, if the local school board or charter school
4606 governing board hires an audit director.

4607 (b) If the local school board or charter school governing board has not appointed an
4608 audit director and the local school board or charter school governing board contracts directly
4609 for internal audit services, the local school board or charter school governing board shall
4610 approve a contract for internal audit services, with the advisement of the audit committee.

4611 (4) The audit committee shall ensure that copies of all reports of audit findings issued
4612 by the internal auditors are available, upon request, to the audit director of the [~~State Board of~~
4613 ~~Education~~] state board, the Office of the State Auditor, and the Office of Legislative Auditor
4614 General.

4615 (5) The audit committee shall ensure that significant audit matters that cannot be

appropriately addressed by the local education agency internal auditors are referred to either the audit director of the ~~[State Board of Education]~~ state board, the Office of the State Auditor, or the Office of Legislative Auditor General.

(6) The audit director may contract with a consultant to assist with an audit.

(7) The audit director of the ~~[State Board of Education]~~ state board and the Office of the State Auditor may contract to provide internal audit services.

Section 120. Section **53G-7-503** is amended to read:

53G-7-503. State policy on student fees, deposits, or other charges.

(1) For purposes of this part:

~~[(a) "Board" means the State Board of Education.]~~

~~[(b)]~~ (a) "Secondary school" means a school that provides instruction to students in grades 7, 8, 9, 10, 11, or 12.

~~[(c)]~~ (b) "Secondary school student":

(i) means a student enrolled in a secondary school; and

(ii) includes a student in grade 6 if the student attends a secondary school.

(2) (a) A secondary school may impose fees on secondary school students.

(b) The state board shall adopt rules regarding the imposition of fees in secondary schools in accordance with the requirements of this part.

(3) A fee, deposit, or other charge may not be made, or any expenditure required of a student or the student's parent ~~[or guardian]~~, as a condition for student participation in an activity, class, or program provided, sponsored, or supported by or through a public school or school district, unless authorized by the local school board or charter school governing board under rules adopted by the state board.

(4) (a) A fee, deposit, charge, or expenditure may not be required for elementary school activities which are part of the regular school day or for supplies used during the regular school day.

(b) An elementary school or elementary school teacher may compile and provide to a student's parent ~~[or guardian]~~ a suggested list of supplies for use during the regular school day so that a parent ~~[or guardian]~~ may furnish on a voluntary basis those supplies for student use.

(c) A list provided to a student's parent ~~[or guardian]~~ pursuant to Subsection (4)(b) shall include and be preceded by the following language:

"NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS, OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

Section 121. Section **53G-7-504** is amended to read:

53G-7-504. Waiver of fees.

(1) (a) A local school board shall require, as part of an authorization granted under Section **53G-7-503**, that adequate waivers or other provisions are available to ensure that no student is denied the opportunity to participate because of an inability to pay the required fee, deposit, or charge.

(b) (i) If, however, a student must repeat a course or requires remediation to advance or graduate and a fee is associated with the course or the remediation program, it is presumed that the student will pay the fee.

(ii) If the student or the student's parent [~~or guardian~~] is financially unable to pay the fee, the local school board shall provide for alternatives to waiving the fee, which may include installment payments and school or community service or work projects for the student.

(iii) In cases of extreme financial hardship or where the student has suffered a long-term illness, or death in the family, or other major emergency and where installment payments and the imposition of a service or work requirement would not be reasonable, the student may receive a partial or full waiver of the fee required under Subsection (1)(b)(i).

(iv) The waiver provisions in Subsections (2) and (3) apply to all other fees, deposits, and charges made in the secondary schools.

(2) (a) The local school board shall require each school in the district that charges a fee under this part and Part 6, Textbook Fees, to provide a variety of alternatives for satisfying the fee requirement to those who qualify for fee waivers, in addition to the outright waiver of the fee.

(b) The local school board shall develop and provide a list of alternatives for the schools, including such options as allowing the student to provide:

- (i) tutorial assistance to other students;
- (ii) assistance before or after school to teachers and other school personnel on school related matters; and
- (iii) general community or home service.

(c) Each school may add to the list of alternatives provided by the local school board, subject to approval by the local school board.

(3) A local school board may establish policies providing for partial fee waivers or other alternatives for those students who, because of extenuating circumstances, are not in a financial position to pay the entire fee.

(4) With regard to children who are in the custody of the Division of Child and Family Services who are also eligible under Title IV-E of the federal Social Security Act, local school boards shall require fee waivers or alternatives in accordance with Subsections (1) through (3).

(5) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education~~] The state board shall make rules:

(a) requiring a parent [~~or guardian~~] of a student applying for a fee waiver to provide documentation and certification to the school verifying:

(i) the student's eligibility to receive the waiver; and

(ii) that the alternatives for satisfying the fee requirements under Subsection (2) have been complied with to the fullest extent reasonably possible according to the individual circumstances of both the fee waiver applicant and the school; and

(b) specifying the acceptable forms of documentation for the requirement under Subsection (5)(a), which shall include verification based on income tax returns or current pay stubs.

(6) Notwithstanding the requirements under Subsection (5), a school is not required to keep documentation on file after the verification is completed.

Section 122. Section **53G-7-505** is amended to read:

53G-7-505. Notice of student fees and waivers.

A local school board shall annually give written notice of its student fee schedules and fee waiver policies to the parent [~~or guardian~~] of a child who attends a public school within the district.

Section 123. Section **53G-7-602** is amended to read:

53G-7-602. State policy on providing textbooks.

(1) It is the public policy of this state that public education shall be free.

(2) A student may not be denied an education because of economic inability to purchase textbooks necessary for advancement in or graduation from the public school system.

4709 (3) [~~A school~~] An LEA governing board may not sell textbooks or otherwise charge
4710 textbook fees or deposits except as provided in this public education code.

4711 Section 124. Section **53G-7-603** is amended to read:

4712 **53G-7-603. Purchase of textbooks by local school board -- Sales to pupils -- Free**
4713 **textbooks -- Textbooks provided to teachers -- Payment of costs -- Rental of textbooks.**

4714 (1) A local school board, under rules adopted by the [~~State Board of Education~~] state
4715 board, may purchase textbooks for use in the public schools directly from the publisher at
4716 prices and terms approved by the state board and may sell those books to pupils in grades
4717 [~~nine~~] 9 through 12 at a cost not to exceed the actual cost of the book plus costs of
4718 transportation and handling.

4719 (2) Each local school board, however, shall provide, free of charge, textbooks and
4720 workbooks required for courses of instruction for each child attending public schools whose
4721 parent [~~or guardian~~] is financially unable to purchase them.

4722 (3) Children who are receiving cash assistance under Title 35A, Chapter 3, Part 3,
4723 Family Employment Program, supplemental security income, or who are in the custody of the
4724 Division of Child and Family Services within the Department of Human Services are eligible
4725 for free textbooks and workbooks under this section.

4726 (4) The local school board shall also purchase all books necessary for teachers to
4727 conduct their classes.

4728 (5) The cost of furnishing textbooks and workbooks may be paid from school operating
4729 funds, the textbook fund, or from other available funds.

4730 (6) Books provided to teachers and pupils without charge or at less than full cost are
4731 paid for out of funds of the district and remain the property of the district.

4732 (7) In school districts that require pupils to rent books instead of purchasing them or
4733 providing them free of charge, the local school board shall waive rental fees for a child whose
4734 parent [~~or guardian~~] is financially unable to pay the rental fee. The children considered eligible
4735 under Subsection (3) are also eligible for the purposes of this Subsection (7).

4736 Section 125. Section **53G-7-604** is amended to read:

4737 **53G-7-604. Free textbook system.**

4738 (1) If a local school board considers it desirable or necessary, or if the local school
4739 board is petitioned by two-thirds of those voting in the district, it shall provide free textbooks

4740 to all pupils in the schools under its charge.

4741 (2) Books purchased under this section shall be paid for out of the funds of the district.

4742 (3) The local school board shall assure that sufficient funds are raised and set aside for
4743 this purpose.

4744 (4) A local school board that has adopted the free textbook system shall terminate the
4745 system if petitioned by two-thirds of those voting in an election conducted for that purpose vote
4746 to terminate the system.

4747 (5) The local school board may not act upon a petition to terminate the free textbook
4748 system during a period of four years after the system is adopted.

4749 (6) The local school board may not reinstitute a free textbook system until four years
4750 after its termination.

4751 Section 126. Section **53G-7-605** is amended to read:

4752 **53G-7-605. Repurchase and resale of textbooks.**

4753 (1) If a student moves from a district in which free textbooks were not provided, the
4754 local school board of that district may purchase the books used by the student at a reasonable
4755 price, based upon the original cost and the condition of the book upon return.

4756 (2) The books purchased by the district under this section may be resold to other
4757 students in the district.

4758 Section 127. Section **53G-7-606** is amended to read:

4759 **53G-7-606. Disposal of textbooks.**

4760 (1) For a school year beginning with or after the 2012-13 school year, a local school
4761 district may not dispose of textbooks used in its public schools without first notifying all other
4762 school districts in the state of its intent to dispose of the textbooks.

4763 (2) Subsection (1) does not apply to textbooks that have been damaged, mutilated, or
4764 worn out.

4765 (3) The [~~State Board of Education~~] state board shall develop rules and procedures
4766 directing the disposal of textbooks.

4767 Section 128. Section **53G-7-701** is amended to read:

4768 **53G-7-701. Definitions.**

4769 As used in this part:

4770 (1) "Bigotry" means action or advocacy of imminent action involving:

4771 (a) the harassment or denigration of a person or entity; or
4772 (b) any intent to cause a person not to freely enjoy or exercise any right secured by the
4773 constitution or laws of the United States or the state, except that an evaluation or prohibition
4774 may not be made of the truth or falsity of any religious belief or expression of conscience
4775 unless the means of expression or conduct arising therefrom violates the standards of conduct
4776 outlined in this section, Section 53G-10-203, or 20 U.S.C. Sec. 4071(f).

4777 (2) "Club" means any student organization that meets during noninstructional time.

4778 (3) "Conscience" means a standard based upon learned experiences, a personal
4779 philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of
4780 right and wrong which is felt on an individual basis, a belief in an external absolute, or any
4781 combination of the foregoing.

4782 (4) "Curricular club" means a club that is school sponsored and that may receive
4783 leadership, direction, and support from the school or school district beyond providing a
4784 meeting place during noninstructional time. An elementary school curricular club means a club
4785 that is organized and directed by school sponsors at the elementary school. A secondary school
4786 curricular club means a club:

4787 (a) whose subject matter is taught or will soon be taught in a regular course;

4788 (b) whose subject matter concerns the body of courses as a whole;

4789 (c) in which participation is required for a particular course; or

4790 (d) in which participation results in academic credit.

4791 (5) (a) "Discretionary time" means school-related time for students that is not
4792 instructional time.

4793 (b) "Discretionary time" includes free time before and after school, during lunch and
4794 between classes or on buses, and private time before athletic and other events or activities.

4795 (6) (a) "Encourage criminal or delinquent conduct" means action or advocacy of
4796 imminent action that violates any law or administrative rule.

4797 (b) "Encourage criminal or delinquent conduct" does not include discussions
4798 concerning changing of laws or rules, or actions taken through lawfully established channels to
4799 effectuate such change.

4800 (7) (a) "Instructional time" means time during which a school is responsible for a
4801 student and the student is required or expected to be actively engaged in a learning activity.

(b) "Instructional time" includes instructional activities in the classroom or study hall during regularly scheduled hours, required activities outside the classroom, and counseling, private conferences, or tutoring provided by school employees or volunteers acting in their official capacities during or outside of regular school hours.

(8) "Involve human sexuality" means:

(a) presenting information in violation of laws governing sex education, including Sections 53G-10-402 and 53E-9-203;

(b) advocating or engaging in sexual activity outside of legally recognized marriage or forbidden by state law; or

(c) presenting or discussing information relating to the use of contraceptive devices or substances, regardless of whether the use is for purposes of contraception or personal health.

(9) "LEA governing board" means a local school board or charter school governing board.

~~[(9)]~~ (10) "Limited open forum" means a forum created by a school district or charter school for student expression within the constraints of Subsection 53G-10-203(2)(b).

~~[(10)]~~ (11) "Noncurricular club" is a student initiated group that may be authorized and allowed school facilities use during noninstructional time in secondary schools by a school and ~~[school]~~ LEA governing board in accordance with the provisions of this part. A noncurricular club's meetings, ideas, and activities are not sponsored or endorsed in any way by ~~[a school]~~ an LEA governing board, the school, or by school or school district employees.

~~[(11)]~~ (12) "Noninstructional time" means time set aside by a school before instructional time begins or after instructional time ends, including discretionary time.

~~[(12)]~~ (13) "Religious club" means a noncurricular club designated in its application as either being religiously based or based on expression or conduct mandated by conscience.

~~[(13)]~~ (14) "School" means a public school, including a charter school.

~~[(14)]~~ (15) (a) "School facilities use" means access to a school facility, premises, or playing field.

(b) "School facilities use" includes access to a limited open forum.

~~[(15)] "School governing board" means a local school board or charter school board.]~~

Section 129. Section 53G-7-702 is amended to read:

53G-7-702. Student clubs -- Limited open forum -- Authorization.

(1) (a) A school may establish and maintain a limited open forum for student clubs pursuant to the provisions of this part, [~~State Board of Education~~] state board rules, and [~~school~~] LEA governing board policies.

(b) Notwithstanding the provisions under Subsection (1)(a), a school retains the right to create a closed forum at any time by allowing curricular clubs only.

(2) (a) A school shall review applications for authorization of clubs on a case-by-case basis.

(b) Before granting an authorization, the school shall find:

(i) that the proposed club meets this part's respective requirements of a curricular club or a noncurricular club; and

(ii) that the proposed club's purpose and activities comply with this part.

(c) Before granting an authorization, a school may request additional information from the faculty sponsor, from students proposing the club, or from its [~~school~~] LEA governing board, if desired.

(3) A school shall grant authorization and school facilities use to curricular and noncurricular clubs whose applications are found to meet the requirements of this part, rules of the [~~State Board of Education~~] state board, and policies of the [~~school~~] LEA governing board and shall limit or deny authorization or school facilities use to proposed clubs that do not meet the requirements of this part, rules of the [~~State Board of Education~~] state board, and policies of the [~~school~~] LEA governing board.

Section 130. Section **53G-7-703** is amended to read:

53G-7-703. Curricular clubs -- Authorization.

(1) Faculty members or students proposing a curricular club shall submit written application for authorization on a form approved by the [~~school~~] LEA governing board.

(2) [~~A school~~] An LEA governing board may exempt a club whose membership is determined by student body election or a club that is governed by an association that regulates interscholastic activities from the authorization requirements under this section.

(3) An application for authorization of a curricular club shall include:

(a) the recommended club name;

(b) a statement of the club's purpose, goals, and activities;

(c) a statement of the club's categorization, which shall be included in the parental

4864 consent required under Section 53G-7-709, indicating all of the following that may apply:

4865 (i) athletic;

4866 (ii) business/economic;

4867 (iii) agriculture;

4868 (iv) art/music/performance;

4869 (v) science;

4870 (vi) gaming;

4871 (vii) religious;

4872 (viii) community service/social justice; and

4873 (ix) other;

4874 (d) the recommended meeting times, dates, and places;

4875 (e) a statement that the club will comply with the provisions of this part and all other

4876 applicable laws, rules, or policies; and

4877 (f) a budget showing the amount and source of any funding provided or to be provided

4878 to the club and its proposed use.

4879 (4) The application may be as brief as a single page so long as it contains the items

4880 required under this section.

4881 (5) A school shall approve the name of a curricular club consistent with the club's

4882 purposes and its school sponsorship.

4883 (6) (a) A school shall determine curriculum relatedness by strictly applying this part's

4884 definition of curricular club to the club application.

4885 (b) If the school finds that the proposed club is a curricular club, the school shall

4886 continue to review the application as an application for authorization of a curricular club.

4887 (c) If the school finds that the proposed club is a noncurricular club, the school may:

4888 (i) return the application to the faculty member or students proposing the club for

4889 amendment; or

4890 (ii) review the application as an application for authorization of a noncurricular club.

4891 (7) (a) Only curricular clubs may be authorized for elementary schools.

4892 (b) A school governing body may limit, or permit a secondary school to limit, the

4893 authorization of clubs at the secondary school to only curricular clubs.

4894 Section 131. Section 53G-7-704 is amended to read:

4895 **53G-7-704. Noncurricular clubs -- Annual authorization.**

4896 (1) A noncurricular club shall have a minimum of three members.

4897 (2) Students proposing a noncurricular club shall submit a written application for
4898 authorization on a form approved by the [~~school~~] LEA governing board.

4899 (3) An application for authorization of a noncurricular club shall include:

4900 (a) the recommended club name;

4901 (b) a statement of the club's purpose, goals, and activities;

4902 (c) a statement of the club's categorization, which shall be included in the parental
4903 consent required under Section 53G-7-709, indicating all of the following that may apply:

4904 (i) athletic;

4905 (ii) business/economic;

4906 (iii) agriculture;

4907 (iv) art/music/performance;

4908 (v) science;

4909 (vi) gaming;

4910 (vii) religious;

4911 (viii) community service/social justice; and

4912 (ix) other;

4913 (d) the recommended meeting times, dates, and places;

4914 (e) a statement that the club will comply with the provisions of this part and all other
4915 applicable laws, rules, or policies; and

4916 (f) a budget showing the amount and source of any funding provided or to be provided
4917 to the club and its proposed use.

4918 (4) The application may be as brief as a single page so long as it contains the items
4919 required under this section.

4920 (5) (a) [~~A school~~] An LEA governing board may provide for approval of a
4921 noncurricular club name in an action separate from that relating to authorization of the club
4922 itself.

4923 (b) [~~A school~~] An LEA governing board shall require:

4924 (i) that a noncurricular club name shall reasonably reflect the club's purpose, goals, and
4925 activities; and

4926 (ii) that the noncurricular club name shall be a name that would not result in or imply a
4927 violation of this part.

4928 Section 132. Section **53G-7-705** is amended to read:

4929 **53G-7-705. Clubs -- Limitations and denials.**

4930 (1) A school shall limit or deny authorization or school facilities use to a club, or
4931 require changes prior to granting authorization or school facilities use:

4932 (a) as the school determines it to be necessary to:

4933 (i) protect the physical, emotional, psychological, or moral well-being of students and
4934 faculty;

4935 (ii) maintain order and discipline on school premises;

4936 (iii) prevent a material and substantial interference with the orderly conduct of a
4937 school's educational activities;

4938 (iv) protect the rights of parents [~~or guardians~~] and students;

4939 (v) maintain the boundaries of socially appropriate behavior; or

4940 (vi) ensure compliance with all applicable laws, rules, regulations, and policies; or

4941 (b) if a club's proposed charter and proposed activities indicate students or advisors in
4942 club related activities would as a substantial, material, or significant part of their conduct or
4943 means of expression:

4944 (i) encourage criminal or delinquent conduct;

4945 (ii) promote bigotry;

4946 (iii) involve human sexuality; or

4947 (iv) involve any effort to engage in or conduct mental health therapy, counseling, or
4948 psychological services for which a license would be required under state law.

4949 (2) [~~A school~~] An LEA governing board has the authority to determine whether any
4950 club meets the criteria of Subsection (1).

4951 (3) If a school or [~~school~~] LEA governing board limits or denies authorization to a
4952 club, the school or [~~school~~] LEA governing board shall provide, in writing, to the applicant the
4953 factual and legal basis for the limitation or denial.

4954 (4) A student's spontaneous expression of sentiments or opinions otherwise identified
4955 in Subsection **53E-9-203**(1) is not prohibited.

4956 Section 133. Section **53G-7-707** is amended to read:

53G-7-707. Use of school facilities by clubs.

(1) A school shall determine and assign school facilities use for curricular and noncurricular clubs consistent with the needs of the school.

(2) The following ~~[rules]~~ provisions apply to curricular clubs:

(a) in assigning school facilities use, the administrator may give priority to curricular clubs over noncurricular clubs; and

(b) the school may provide financial or other support to curricular clubs.

(3) The following ~~[rules]~~ provisions apply to noncurricular clubs:

(a) a preference or priority may not be given among noncurricular clubs;

(b) (i) a school shall only provide the space for noncurricular club meetings; and

(ii) a school may not spend public funds for noncurricular clubs, except as required to implement the provisions of this part, including providing space and faculty oversight for noncurricular clubs;

(c) a school shall establish the noninstructional times during which noncurricular clubs may meet;

(d) a school may establish the places that noncurricular clubs may meet;

(e) a school may set the number of hours noncurricular clubs may use the school's facilities per month, provided that all noncurricular clubs shall be treated equally; and

(f) a school shall determine what access noncurricular clubs shall be given to the school newspaper, yearbook, bulletin boards, or public address system, provided that all noncurricular clubs shall be treated equally.

Section 134. Section **53G-7-708** is amended to read:

53G-7-708. Club membership.

(1) A school shall require written parental ~~[or guardian]~~ consent for student participation in all curricular and noncurricular clubs at the school.

(2) Membership in curricular clubs is governed by the following ~~[rules]~~:

(a) (i) membership may be limited to students who are currently attending the sponsoring school or school district; and

(ii) members who attend a school other than the sponsoring school shall have, in addition to the consent required under Section **53G-7-709**, specific parental ~~[or guardian]~~ permission for membership in a curricular club at another school;

(b) (i) curricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and

(ii) try-outs may not require activities that violate the provisions of this part and other applicable laws, rules, and policies; and

(c) other rules or policies as determined by the [~~State Board of Education~~] state board, school district, or school.

(3) Membership in noncurricular clubs is governed by the following [~~rules~~]:

(a) student membership in a noncurricular club is voluntary;

(b) membership shall be limited to students who are currently attending the school;

(c) (i) noncurricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and

(ii) try-outs may not require activities that violate the provisions of this part and other applicable laws, rules, and policies;

(d) a copy of any written or other media materials that were presented at a noncurricular club meeting by a nonschool person shall be delivered to a school administrator no later than 24 hours after the noncurricular club meeting and, if requested, a student's parent [~~or legal guardian~~] shall have an opportunity to review those materials; and

(e) other rules or policies as determined by the [~~State Board of Education~~] state board, school district, or school.

Section 135. Section **53G-7-709** is amended to read:

53G-7-709. Parental consent.

(1) A school shall require written parental [~~or guardian~~] consent for student participation in all curricular and noncurricular clubs at the school.

(2) The consent described in Subsection (1) shall include an activity disclosure statement containing the following information:

(a) the specific name of the club;

(b) a statement of the club's purpose, goals, and activities;

(c) a statement of the club's categorization, which shall be obtained from the application for authorization of a club in accordance with the provisions of Section **53G-7-703** or **53G-7-704**, indicating all of the following that may apply:

(i) athletic;

5019 (ii) business/economic;
5020 (iii) agriculture;
5021 (iv) art/music/performance;
5022 (v) science;
5023 (vi) gaming;
5024 (vii) religious;
5025 (viii) community service/social justice; and
5026 (ix) other;
5027 (d) beginning and ending dates;
5028 (e) a tentative schedule of the club activities with dates, times, and places specified;
5029 (f) personal costs associated with the club, if any;
5030 (g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and
5031 (h) any additional information considered important for the students and parents to
5032 know.

5033 (3) All completed parental consent forms shall be filed by the parent or the club's
5034 sponsor, supervisor, or monitor with the school's principal, the chief administrative officer of a
5035 charter school, or their designee.

5036 Section 136. Section **53G-7-711** is amended to read:

5037 **53G-7-711. Appeals -- Procedures.**

5038 (1) (a) A completed application or complaint shall be approved, denied, or investigated
5039 by the school within a reasonable amount of time.

5040 (b) If an application or complaint is denied, written reasons for the denial or results of
5041 the investigation shall be stated and, if appropriate, suggested corrections shall be made to
5042 remedy the deficiency.

5043 (c) A club that is denied school facilities use shall be informed at the time of the denial
5044 of the factual and legal basis for the denial, and, if appropriate, how the basis for the denial
5045 could be corrected.

5046 (2) (a) If denied, suspended, or terminated, a club, student desirous of participating or
5047 speaking, or a complaining parent [~~or guardian~~], has 10 school days from the date of the denial,
5048 suspension, or termination to file a written appeal from the denial, suspension, or termination
5049 to a designee authorized by the [~~school~~] LEA governing board.

(b) The designee shall issue a determination within a reasonable amount of time from receipt of the appeal, which decision is final and constitutes satisfaction of all administrative remedies unless the time for evaluation is extended by agreement of all parties.

(3) A person directly affected by a decision made in accordance with the provisions of this part may appeal the decision by writing to a person designated by the ~~[school]~~ LEA governing board.

Section 137. Section **53G-7-712** is amended to read:

53G-7-712. Rulemaking -- State board -- LEA governing boards.

The ~~[State Board of Education]~~ state board may adopt additional rules and ~~[school]~~ LEA governing boards may adopt additional ~~[rules or]~~ policies governing clubs that do not conflict with the provisions of this part.

Section 138. Section **53G-7-803** is amended to read:

53G-7-803. Uniforms in schools -- Policy approval.

(1) The school uniform policy authorized in Section **53G-7-802** may be adopted:

(a) for a charter school:

(i) by the ~~[governing body]~~ charter school governing board or administrator of the charter school in accordance with Subsection (2); or

(ii) by including the school uniform policy in the school's charter agreement approved in accordance with Chapter 5, Utah Charter Schools;

(b) for more than one school at the district level by a local school board in accordance with Subsection (2); or

(c) for a single school at the school level by the principal of the school in accordance with Subsection (2).

(2) A school uniform policy adopted by an election is subject to the following requirements:

(a) the adopting authority shall hold a public hearing on the matter prior to formal adoption of the school uniform policy;

(b) (i) the adopting authority shall hold an election for approval of a school uniform policy prior to its adoption and shall receive an affirmative vote from a majority of those voting at the election; and

(ii) only parents ~~[and guardians]~~ of students subject to the proposed school uniform

5081 policy may vote at the election, limited to one vote per family.

5082 (3) (a) A local school board or principal is required to hold an election to consider
5083 adoption of a school uniform policy for an entire school district or an individual school if
5084 initiative petitions are presented as follows:

5085 (i) for a school district, a petition signed by a parent [~~or guardian~~] of 20% of the
5086 district's students presented to the local school board; and

5087 (ii) for an individual school, a petition signed by a parent [~~or guardian~~] of 20% of the
5088 school's students presented to the principal.

5089 (b) The public hearing and election procedures required in Subsection (2) apply to this
5090 Subsection (3).

5091 (4) (a) The procedures set forth in Subsections (3) and (4) shall apply to the
5092 discontinuance or modification of a school uniform policy adopted under this section.

5093 (b) A vote to discontinue an adopted school uniform policy may not take place during
5094 the first year of its operation.

5095 (5) The adopting authority shall establish the manner and time of an election required
5096 under this section.

5097 Section 139. Section **53G-7-901** is amended to read:

5098 **53G-7-901. Definitions.**

5099 As used in this part:

5100 (1) "Cooperating employer" means a public or private entity which, as part of a work
5101 experience and career exploration program offered through a school, provides interns with
5102 training and work experience in activities related to the entity's ongoing business activities.

5103 (2) "Intern" means a student enrolled in a school-sponsored work experience and career
5104 exploration program under Section **53G-7-902** involving both classroom instruction and work
5105 experience with a cooperating employer, for which the student receives no compensation.

5106 (3) "Internship" means the work experience segment of an intern's school-sponsored
5107 work experience and career exploration program, performed under the direct supervision of a
5108 cooperating employer.

5109 (4) "Private school" means a school serving any of grades 7 through 12 which is not
5110 part of the public education system.

5111 (5) "Public school" means:

(a) a public school district;
(b) an applied technology center or applied technology service region;
(c) the Schools for the Deaf and the Blind; or
(d) other components of the public education system authorized by the ~~[State Board of Education]~~ state board to offer internships.

Section 140. Section **53G-7-902** is amended to read:

53G-7-902. Public or private school internships.

A public or private school may offer internships in connection with work experience and career exploration programs operated in accordance with the rules of the ~~[State Board of Education]~~ state board.

Section 141. Section **53G-7-1004** is amended to read:

53G-7-1004. Rulemaking -- Reporting.

The ~~[State Board of Education]~~ state board may make rules ~~[in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,]~~ regarding compliance standards and reporting requirements for local school boards with respect to the policy required by Section **53G-7-1002**.

Section 142. Section **53G-7-1101** is amended to read:

53G-7-1101. Definitions.

As used in this part:

(1) "Alignment" or "realignment" means the initial or subsequent act, respectively, of assigning a public school a classification or region.

(2) "Appeals panel" means the appeals panel created in Section **53G-7-1106**.

(3) (a) "Association" means an organization that governs or regulates a student's participation in an athletic interscholastic activity.

(b) "Association" does not include an institution of higher education described in Section **53B-1-102**.

(4) "Classification" means the designation of a school based on the size of the school's student enrollment population for purposes of interscholastic activities.

(5) "Eligibility" means eligibility to participate in an interscholastic activity regulated or governed by an association.

(6) "Governing body" means a body within an association that:

5143 (a) is responsible for:
5144 (i) adopting [~~rules or~~] standards or policies that govern interscholastic activities or the
5145 administration of the association;
5146 (ii) adopting or amending the association's governing document or bylaws;
5147 (iii) enforcing the [~~rules and~~] standards and policies of the association; and
5148 (iv) adopting the association's budget; and
5149 (b) has oversight of other boards, committees, councils, or bodies within the
5150 association.

5151 (7) "Interscholastic activity" means an activity within the state in which:
5152 (a) a student that participates represents the student's school in the activity; and
5153 (b) the participating student is enrolled in grade 9, 10, 11, or 12.
5154 (8) "Public hearing" means a hearing at which members of the public are provided a
5155 reasonable opportunity to comment on the subject of the hearing.
5156 (9) "Region" means a grouping of schools of the same classification for purposes of
5157 interscholastic activities.

5158 Section 143. Section **53G-7-1103** is amended to read:

5159 **53G-7-1103. Governing body membership.**

5160 (1) (a) A governing body shall have 15 members as follows:
5161 (i) six members who:
5162 (A) are each an elected member of a local school board; and
5163 (B) each represent a different classification;
5164 (ii) (A) one school superintendent representing the two largest classifications;
5165 (B) one school superintendent representing the two classifications that are next in
5166 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(A);
5167 and
5168 (C) one school superintendent representing the two classifications that are next in
5169 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(B);
5170 (iii) (A) one school principal representing the two largest classifications;
5171 (B) one school principal representing the two classifications that are next in
5172 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(A);
5173 and

(C) one school principal representing the two classifications that are next in diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(B);

(iv) one representative of charter schools;

(v) one representative of private schools, if private schools are members of or regulated by the association; and

(vi) one member representing the ~~[State Board of Education]~~ state board.

(b) Only a member respectively described in Subsection (1)(a)(iv) or (v) may be elected or appointed by or represent charter or private schools on the governing body.

(2) (a) A member described in Subsection (1)(a)(i), (ii), (iii), or (v) may be elected, appointed, or otherwise selected in accordance with association rule or policy to the extent the selection reflects the membership requirements in Subsection (1)(a)(i), (ii), (iii), or (v).

(b) A governing body member described in Subsection (1)(a)(vi) shall be the chair of the ~~[State Board of Education]~~ state board or the chair's designee if the designee is an elected member of the ~~[State Board of Education]~~ state board.

Section 144. Section **53G-7-1104** is amended to read:

53G-7-1104. Reporting requirements.

An association shall provide a verbal report, accompanied by a written report, annually to the ~~[State Board of Education]~~ state board, including:

- (1) the association's annual budget in accordance with Section **53G-7-1105**;
- (2) a schedule of events scheduled or facilitated by the association;
- (3) procedures for alignment or realignment;
- (4) any amendments or changes to the association's governing document or bylaws; and
- (5) any other information requested by the ~~[State Board of Education]~~ state board.

Section 145. Section **53G-7-1105** is amended to read:

53G-7-1105. Association budgets.

(1) An association shall:

- (a) adopt a budget in accordance with this section; and
- (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall be in accordance with generally accepted accounting principles or auditing standards.

(2) An association budget officer or executive director shall annually prepare a tentative budget, with supporting documentation, to be submitted to the governing body.

5205 (3) The tentative budget and supporting documents shall include the following items:

5206 (a) the revenues and expenditures of the preceding fiscal year;

5207 (b) the estimated revenues and expenditures of the current fiscal year;

5208 (c) a detailed estimate of the essential expenditures for all purposes for the next

5209 succeeding fiscal year; and

5210 (d) the estimated financial condition of the association by funds at the close of the

5211 current fiscal year.

5212 (4) The tentative budget shall be filed with the governing body 15 days, or earlier,

5213 before the date of the tentative budget's proposed adoption by the governing body.

5214 (5) The governing body shall adopt a budget.

5215 (6) Before the adoption or amendment of a budget, the governing body shall hold a

5216 public hearing on the proposed budget or budget amendment.

5217 (7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings

5218 Act, in regards to the public hearing described in Subsection (6), at least 10 days before the

5219 public hearing, a governing body shall:

5220 (i) publish a notice of the public hearing electronically in accordance with Section

5221 [63F-1-701](#); and

5222 (ii) post the proposed budget on the association's Internet website.

5223 (b) A notice of a public hearing on an association's proposed budget shall include

5224 information on how the public may access the proposed budget as provided in Subsection

5225 (7)(a).

5226 (8) No later than September 30 of each year, the governing body shall file a copy of the

5227 adopted budget with the state auditor and the ~~[State Board of Education]~~ state board.

5228 Section 146. Section **53G-7-1106** is amended to read:

5229 **53G-7-1106. Procedures for disputes -- Appeals -- Appeals panel --**

5230 **Compensation.**

5231 (1) (a) An association shall establish a uniform procedure for hearing and deciding:

5232 (i) disputes;

5233 (ii) allegations of violations of the association's rules or policies;

5234 (iii) requests to establish eligibility after a student transfers schools; and

5235 (iv) disputes related to alignment or realignment.

5236 (b) An individual may appeal to an appeals panel established in this section an
5237 association decision regarding a request to establish eligibility after a student transfers schools.

5238 (2) (a) There is established an appeals panel for an association decision described in
5239 Subsection (1)(b).

5240 (b) The appeals panel shall consist of the following three members:

5241 (i) a judge or attorney who is not employed by, or contracts with, a school;

5242 (ii) a retired educator, principal, or superintendent; and

5243 (iii) a retired athletic director or coach.

5244 (c) A review and decision by the appeals panel is limited to whether the association
5245 properly followed the association's rules and procedures in regard to a decision described in
5246 Subsection (1)(b).

5247 (d) (i) An association shall adopt policies for filing an appeal with the appeals panel.

5248 (ii) The appeals panel shall review an appeal and issue a written decision explaining
5249 the appeals panel's decision no later than 10 business days after an appeal is filed.

5250 (e) The appeals panel's decision is final.

5251 (3) (a) The [~~State Board of Education~~] state board shall appoint the members of the
5252 appeals panel described in Subsection (2):

5253 (i) from the association's nominations described in Subsection (3)(b); and

5254 (ii) in accordance with the [~~State Board of Education's~~] state board's appointment
5255 process.

5256 (b) (i) The association shall nominate up to three individuals for each position
5257 described in Subsection (2) for the [~~State Board of Education's~~] state board's consideration.

5258 (ii) If the [~~State Board of Education~~] state board refuses to appoint members to the
5259 panel who were nominated by the association as described in Subsection (3)(b)(i), the [~~State~~
5260 ~~Board of Education~~] state board shall request additional nominations from the association.

5261 (iii) No later than 45 days after the association provides the nominations, the [~~State~~
5262 ~~Board of Education~~] state board shall appoint to the appeals panel an individual from the
5263 names provided by the association.

5264 (c) For the initial membership, the [~~State Board of Education~~] state board shall appoint
5265 two of the positions having an initial term of three years and one position having an initial term
5266 of two years.

(d) Except as required by Subsection (3)(e), as terms of appeals panel members expire, the ~~[State Board of Education]~~ state board shall appoint each new member or reappointed member to a two-year term.

(e) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(4) The ~~[State Board of Education]~~ state board shall reimburse an association for per diem and travel expenses of members of the appeals panel.

Section 147. Section **53G-7-1202** is amended to read:

53G-7-1202. School community councils -- Duties -- Composition -- Election procedures and selection of members.

(1) As used in this section:

(a) "Digital citizenship" means the norms of appropriate, responsible, and healthy behavior related to technology use, including digital literacy, ethics, etiquette, and security.

~~[(b)] "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.]~~

~~[(e)]~~ (b) "Educator" means the same as that term is defined in Section [53E-6-102](#).

~~[(d)]~~ (c) (i) "Parent ~~[or guardian]~~ member" means a member of a school community council who is a parent ~~[or guardian]~~ of a student who:

(A) is attending the school; or

(B) will be enrolled at the school during the parent's ~~[or guardian's]~~ term of office.

(ii) "Parent ~~[or guardian]~~ member" may not include an educator who is employed at the school.

~~[(e)]~~ (d) "School community council" means a council established at a district school in accordance with this section.

~~[(f)]~~ (e) "School employee member" means a member of a school community council who is a person employed at the school by the school or school district, including the principal.

~~[(g)]~~ (f) "School LAND Trust Program money" means money allocated to a school pursuant to Section [53F-2-404](#).

(2) A district school, in consultation with the district school's local school board, shall establish a school community council at the school building level for the purpose of:

- 5298 (a) involving parents [~~or guardians~~] of students in decision making at the school level;
5299 (b) improving the education of students;
5300 (c) prudently expending School LAND Trust Program money for the improvement of
5301 students' education through collaboration among parents [~~and guardians~~], school employees,
5302 and the local school board; and
5303 (d) increasing public awareness of:
5304 (i) school trust lands and related land policies;
5305 (ii) management of the State School Fund established in Utah Constitution Article X,
5306 Section V; and
5307 (iii) educational excellence.
5308 (3) (a) Except as provided in Subsection (3)(b), a school community council shall:
5309 (i) create a school improvement plan in accordance with Section 53G-7-1204;
5310 (ii) create the School LAND Trust Program in accordance with Section 53G-7-1206;
5311 (iii) advise and make recommendations to school and school district administrators and
5312 the local school board regarding:
5313 (A) the school and its programs;
5314 (B) school district programs;
5315 (C) a child access routing plan in accordance with Section 53G-4-402;
5316 (D) safe technology utilization and digital citizenship; and
5317 (E) other issues relating to the community environment for students;
5318 (iv) provide for education and awareness on safe technology utilization and digital
5319 citizenship that empowers:
5320 (A) a student to make smart media and online choices; and
5321 (B) a parent [~~or guardian~~] to know how to discuss safe technology use with the parent's
5322 [~~or guardian's~~] child; and
5323 (v) partner with the school's principal and other administrators to ensure that adequate
5324 on and off campus Internet filtering is installed and consistently configured to prevent viewing
5325 of harmful content by students and school personnel, in accordance with local school board
5326 policy and Subsection 53G-7-216(3).
5327 (b) To fulfill the school community council's duties described in Subsections (3)(a)(iv)
5328 and (v), a school community council may:

- 5329 (i) partner with one or more non-profit organizations; or
5330 (ii) create a subcommittee.
- 5331 (c) A school or school district administrator may not prohibit or discourage a school
5332 community council from discussing issues, or offering advice or recommendations, regarding
5333 the school and its programs, school district programs, the curriculum, or the community
5334 environment for students.
- 5335 (4) (a) Each school community council shall consist of school employee members and
5336 parent [~~or guardian~~] members in accordance with this section.
- 5337 (b) Except as provided in Subsection (4)(c) or (d):
- 5338 (i) each school community council for a high school shall have six parent [~~or guardian~~]
5339 members and four school employee members, including the principal; and
- 5340 (ii) each school community council for a school other than a high school shall have
5341 four parent [~~or guardian~~] members and two school employee members, including the principal.
- 5342 (c) A school community council may determine the size of the school community
5343 council by a majority vote of a quorum of the school community council provided that:
- 5344 (i) the membership includes two or more parent [~~or guardian~~] members than the
5345 number of school employee members; and
- 5346 (ii) there are at least two school employee members on the school community council.
- 5347 (d) (i) The number of parent [~~or guardian~~] members of a school community council
5348 who are not educators employed by the school district shall exceed the number of parent [~~or~~
5349 ~~guardian~~] members who are educators employed by the school district.
- 5350 (ii) If, after an election, the number of parent [~~or guardian~~] members who are not
5351 educators employed by the school district does not exceed the number of parent [~~or guardian~~]
5352 members who are educators employed by the school district, the parent [~~or guardian~~] members
5353 of the school community council shall appoint one or more parent [~~or guardian~~] members to
5354 the school community council so that the number of parent [~~or guardian~~] members who are not
5355 educators employed by the school district exceeds the number of parent [~~or guardian~~] members
5356 who are educators employed by the school district.
- 5357 (5) (a) Except as provided in Subsection (5)(f), a school employee member, other than
5358 the principal, shall be elected by secret ballot by a majority vote of the school employees and
5359 serve a two-year term. The principal shall serve as an ex officio member with full voting

5360 privileges.

5361 (b) (i) Except as provided in Subsection (5)(f), a parent [~~or guardian~~] member shall be
5362 elected by secret ballot at an election held at the school by a majority vote of those voting at the
5363 election and serve a two-year term.

5364 (ii) (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent [~~or guardian~~] of a
5365 student attending the school may vote in, or run as a candidate in, the election under Subsection
5366 (5)(b)(i).

5367 (B) If an election is held in the spring, a parent [~~or guardian~~] of a student who will be
5368 attending the school the following school year may vote in, and run as a candidate in, the
5369 election under Subsection (5)(b)(i).

5370 (iii) Any parent [~~or guardian~~] of a student who meets the qualifications of this section
5371 may file or declare the parent's [~~or guardian's~~] candidacy for election to a school community
5372 council.

5373 (iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the
5374 election of parent [~~or guardian~~] members of a school community council shall be established by
5375 a local school board for the schools within the school district.

5376 (B) An election for the parent [~~or guardian~~] members of a school community council
5377 shall be held near the beginning of the school year or held in the spring and completed before
5378 the last week of school.

5379 (C) Each school shall establish a time period for the election of parent [~~or guardian~~]
5380 members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at
5381 least a four-year period.

5382 (c) (i) At least 10 days before the date that voting commences for the elections held
5383 under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee,
5384 shall provide notice to each school employee[;] or parent[~~, or guardian,~~] of the opportunity to
5385 vote in, and run as a candidate in, an election under this Subsection (5).

5386 (ii) The notice shall include:

5387 (A) the dates and times of the elections;

5388 (B) a list of council positions that are up for election; and

5389 (C) instructions for becoming a candidate for a community council position.

5390 (iii) The principal of the school, or the principal's designee, shall oversee the elections

5391 held under Subsections (5)(a) and (5)(b).

5392 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a
5393 secure ballot box.

5394 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made
5395 available to the public upon request.

5396 (e) (i) If a parent [~~or guardian~~] position on a school community council remains
5397 unfilled after an election is held, the other parent [~~or guardian~~] members of the council shall
5398 appoint a parent [~~or guardian~~] who meets the qualifications of this section to fill the position.

5399 (ii) If a school employee position on a school community council remains unfilled after
5400 an election is held, the other school employee members of the council shall appoint a school
5401 employee to fill the position.

5402 (iii) A member appointed to a school community council under Subsection (5)(e)(i) or
5403 (ii) shall serve a two-year term.

5404 (f) (i) If the number of candidates who file for a parent [~~or guardian~~] position or school
5405 employee position on a school community council is less than or equal to the number of open
5406 positions, an election is not required.

5407 (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent [~~or guardian~~]
5408 position remains unfilled, the other parent [~~or guardian~~] members of the council shall appoint a
5409 parent [~~or guardian~~] who meets the qualifications of this section to fill the position.

5410 (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee
5411 position remains unfilled, the other school employee members of the council shall appoint a
5412 school employee who meets the qualifications of this section to fill the position.

5413 (g) The principal shall enter the names of the council members on the School LAND
5414 Trust website on or before October 20 of each year, pursuant to Section [53G-7-1203](#).

5415 (h) Terms shall be staggered so that approximately half of the council members stand
5416 for election each year.

5417 (i) A school community council member may serve successive terms provided the
5418 member continues to meet the definition of a parent [~~or guardian~~] member or school employee
5419 member as specified in Subsection (1).

5420 (j) Each school community council shall elect:

5421 (i) a chair from its parent [~~or guardian~~] members; and

5422 (ii) a vice chair from either its parent ~~[or guardian]~~ members or school employee
5423 members, excluding the principal.

5424 (6) (a) A school community council may create subcommittees or task forces to:

5425 (i) advise or make recommendations to the council; or

5426 (ii) develop all or part of a plan listed in Subsection (3).

5427 (b) Any plan or part of a plan developed by a subcommittee or task force shall be
5428 subject to the approval of the school community council.

5429 (c) A school community council may appoint individuals who are not council members
5430 to serve on a subcommittee or task force, including parents ~~[or guardians]~~, school employees,
5431 or other community members.

5432 (7) (a) A majority of the members of a school community council is a quorum for the
5433 transaction of business.

5434 (b) The action of a majority of the members of a quorum is the action of the school
5435 community council.

5436 (8) A local school board shall provide training for a school community council each
5437 year, including training:

5438 (a) for the chair and vice chair about their responsibilities;

5439 (b) on resources available on the School LAND Trust website; and

5440 (c) on this part.

5441 Section 148. Section **53G-7-1203** is amended to read:

5442 **53G-7-1203. School community councils -- Open and public meeting**
5443 **requirements.**

5444 (1) As used in this section:

5445 (a) (i) "Charter trust land council" means a council established by a charter school
5446 governing board under Section [53G-7-1205](#).

5447 (ii) "Charter trust land council" does not include a charter school governing board
5448 acting as a charter trust land council.

5449 ~~[(b) "School community council" means a council established at a school within a~~
5450 ~~school district under Section [53G-7-1202](#).]~~

5451 ~~[(c)]~~ (b) "Council" means a school community council or a charter trust land council.

5452 (c) "School community council" means a council established at a school within a

5453 school district under Section 53G-7-1202.

5454 (2) A school community council or a charter trust land council:

5455 (a) shall conduct deliberations and take action openly as provided in this section; and

5456 (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.

5457 (3) (a) As required by Section 53G-7-1202, a local school board shall provide training
5458 for the members of a school community council on this section.

5459 (b) A charter school governing board shall provide training for the members of a
5460 charter trust land council on this section.

5461 (4) (a) A meeting of a council is open to the public.

5462 (b) A council may not close any portion of a meeting.

5463 (5) A council shall, at least one week prior to a meeting, post the following information
5464 on the school's website:

5465 (a) a notice of the meeting, time, and place;

5466 (b) an agenda for the meeting; and

5467 (c) the minutes of the previous meeting.

5468 (6) (a) On or before October 20, a principal shall post the following information on the
5469 school website and in the school office:

5470 (i) the proposed council meeting schedule for the year;

5471 (ii) a telephone number or email address, or both, where each council member can be
5472 reached directly; and

5473 (iii) a summary of the annual report required under Section 53G-7-1206 on how the
5474 school's School LAND Trust Program money was used to enhance or improve academic
5475 excellence at the school and implement a component of the school's improvement plan.

5476 (b) (i) A council shall identify and use methods of providing the information listed in
5477 Subsection (6)(a) to a parent ~~[or guardian]~~ who does not have Internet access.

5478 (ii) Money allocated to a school under the School LAND Trust Program under Section
5479 53F-2-404 may not be used to provide information as required by Subsection (6)(b)(i).

5480 (7) (a) The notice requirement of Subsection (5) may be disregarded if:

5481 (i) because of unforeseen circumstances it is necessary for a council to hold an
5482 emergency meeting to consider matters of an emergency or urgent nature; and

5483 (ii) the council gives the best notice practicable of:

5484 (A) the time and place of the emergency meeting; and
5485 (B) the topics to be considered at the emergency meeting.
5486 (b) An emergency meeting of a council may not be held unless:
5487 (i) an attempt has been made to notify all the members of the council; and
5488 (ii) a majority of the members of the council approve the meeting.
5489 (8) (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity
5490 to notify the public as to the topics to be considered at the meeting.
5491 (b) Each topic described in Subsection (8)(a) shall be listed under an agenda item on
5492 the meeting agenda.
5493 (c) A council may not take final action on a topic in a meeting unless the topic is:
5494 (i) listed under an agenda item as required by Subsection (8)(b); and
5495 (ii) included with the advance public notice required by Subsection (5).
5496 (9) (a) Written minutes shall be kept of a council meeting.
5497 (b) Written minutes of a council meeting shall include:
5498 (i) the date, time, and place of the meeting;
5499 (ii) the names of members present and absent;
5500 (iii) a brief statement of the matters proposed, discussed, or decided;
5501 (iv) a record, by individual member, of each vote taken;
5502 (v) the name of each person who:
5503 (A) is not a member of the council; and
5504 (B) after being recognized by the chair, provided testimony or comments to the
5505 council;
5506 (vi) the substance, in brief, of the testimony or comments provided by the public under
5507 Subsection (9)(b)(v); and
5508 (vii) any other information that is a record of the proceedings of the meeting that any
5509 member requests be entered in the minutes.
5510 (c) The written minutes of a council meeting:
5511 (i) are a public record under Title 63G, Chapter 2, Government Records Access and
5512 Management Act; and
5513 (ii) shall be retained for three years.
5514 (10) (a) As used in this Subsection (10), "rules of order and procedure" means a set of

5515 [rules] policies that govern and prescribe in a public meeting:
5516 (i) parliamentary order and procedure;
5517 (ii) ethical behavior; and
5518 (iii) civil discourse.
5519 (b) A council shall:
5520 (i) adopt rules of order and procedure to govern a public meeting of the council;
5521 (ii) conduct a public meeting in accordance with the rules of order and procedure
5522 described in Subsection (10)(b)(i); and
5523 (iii) make the rules of order and procedure described in Subsection (10)(b)(i) available
5524 to the public:
5525 (A) at each public meeting of the council; and
5526 (B) on the school's website.
5527 Section 149. Section **53G-7-1205** is amended to read:
5528 **53G-7-1205. Charter trust land councils.**
5529 (1) To receive School LAND Trust Program funding as described in Sections
5530 **53F-2-404** and **53G-7-1206**, a charter school governing board shall establish a charter trust
5531 land council, which shall prepare a plan for the use of School LAND Trust Program money that
5532 includes the elements described in Subsection **53G-7-1206**(4).
5533 (2) (a) The membership of the council shall include parents [~~or guardians~~] of students
5534 enrolled at the school and may include other members.
5535 (b) The number of council members who are parents [~~or guardians~~] of students
5536 enrolled at the school shall exceed all other members combined by at least two.
5537 (3) A charter school governing board may serve as the charter trust land council that
5538 prepares a plan for the use of School LAND Trust Program money if the membership of the
5539 charter school governing board meets the requirements of Subsection (2)(b).
5540 (4) (a) Except as provided in Subsection (4)(b), council members who are parents [~~or~~
5541 ~~guardians~~] of students enrolled at the school shall be elected in accordance with procedures
5542 established by the charter school governing board.
5543 (b) Subsection (4)(a) does not apply to a charter school governing board that serves as
5544 the charter trust land council that prepares a plan for the use of School LAND Trust Program
5545 money.

(5) A parent ~~[or guardian]~~ of a student enrolled at the school shall serve as chair or co-chair of a charter trust land council that prepares a plan for the use of School LAND Trust Program money.

Section 150. Section **53G-7-1206** is amended to read:

53G-7-1206. School LAND Trust Program.

(1) As used in this section:

~~[(a) "Charter agreement" means an agreement made in accordance with Section 53G-5-303 that authorizes the operation of a charter school.]~~

~~[(b)] (a) "Charter school authorizer" means the same as that term is defined in Section 53G-5-102.~~

~~[(c)] (b) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.~~

~~[(d)] (c) "Council" means a school community council or a charter trust land council.~~

~~[(e) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.]~~

~~[(f)] (d) "School community council" means a council established at a district school in accordance with Section 53G-7-1202.~~

(2) There is established the School LAND (Learning And Nurturing Development) Trust Program under the ~~[State Board of Education]~~ state board to:

(a) provide financial resources to public schools to enhance or improve student academic achievement and implement a component of a district school's school improvement plan or a charter school's charter agreement; and

(b) involve parents ~~[and guardians]~~ of a school's students in decision making regarding the expenditure of School LAND Trust Program money allocated to the school.

(3) To receive an allocation under Section **53F-2-404**:

(a) a district school shall have established a school community council in accordance with Section **53G-7-1202**;

(b) a charter school shall have established a charter trust land council in accordance with Section **53G-7-1205**; and

(c) the school's principal shall provide a signed, written assurance that the school is in

5577 compliance with Subsection (3)(a) or (b).

5578 (4) (a) A council shall create a program to use the school's allocation distributed under
5579 Section ~~53F-2-404~~ to implement a component of the school's improvement plan or charter
5580 agreement, including:

5581 (i) the school's identified most critical academic needs;

5582 (ii) a recommended course of action to meet the identified academic needs;

5583 (iii) a specific listing of any programs, practices, materials, or equipment that the
5584 school will need to implement a component of its school improvement plan to have a direct
5585 impact on the instruction of students and result in measurable increased student performance;
5586 and

5587 (iv) how the school intends to spend its allocation of funds under this section to
5588 enhance or improve academic excellence at the school.

5589 (b) (i) A council shall create and vote to adopt a plan for the use of School LAND
5590 Trust Program money in a meeting of the council at which a quorum is present.

5591 (ii) If a majority of the quorum votes to adopt a plan for the use of School LAND Trust
5592 Program money, the plan is adopted.

5593 (c) A council shall:

5594 (i) post a plan for the use of School LAND Trust Program money that is adopted in
5595 accordance with Subsection (4)(b) on the School LAND Trust Program website; and

5596 (ii) include with the plan a report noting the number of council members who voted for
5597 or against the approval of the plan and the number of council members who were absent for the
5598 vote.

5599 (d) (i) The local school board of a district school shall approve or disapprove a plan for
5600 the use of School LAND Trust Program money.

5601 (ii) If a local school board disapproves a plan for the use of School LAND Trust
5602 Program money:

5603 (A) the local school board shall provide a written explanation of why the plan was
5604 disapproved and request the school community council who submitted the plan to revise the
5605 plan; and

5606 (B) the school community council shall submit a revised plan in response to a local
5607 school board's request under Subsection (4)(d)(ii)(A).

(iii) Once a plan has been approved by a local school board, a school community council may amend the plan, subject to a majority vote of the school community council and local school board approval.

(e) A charter trust land council's plan for the use of School LAND Trust Program money is subject to approval by the:

(i) charter school governing board; and

(ii) charter school's charter school authorizer.

(5) (a) A district school or charter school shall:

(i) implement the program as approved;

(ii) provide ongoing support for the council's program; and

(iii) meet [~~State Board of Education~~] state board reporting requirements regarding financial and performance accountability of the program.

(b) (i) A district school or charter school shall prepare and post an annual report of the program on the School LAND Trust Program website each fall.

(ii) The report shall detail the use of program funds received by the school under this section and an assessment of the results obtained from the use of the funds.

(iii) A summary of the report shall be provided to parents [~~or guardians~~] of students attending the school.

(6) On or before October 1 of each year, a school district shall record the amount of the program funds distributed to each school under Section [53F-2-404](#) on the School LAND Trust Program website to assist schools in developing the annual report described in Subsection (5)(b).

(7) The president or chair of a local school board or charter school governing board shall ensure that the members of the local school board or charter school governing board are provided with annual training on the requirements of this section.

(8) (a) The School LAND Trust Program shall provide training to the entities described in Subsection (8)(b) on:

(i) the School LAND Trust Program; and

(ii) (A) a school community council; or

(B) a charter trust land council.

(b) The School LAND Trust Program shall provide the training to:

5639 (i) a local school board or a charter school governing board;

5640 (ii) a school district or a charter school; and

5641 (iii) a school community council.

5642 (9) The School LAND Trust Program shall annually review each school's compliance
5643 with applicable law, including rules adopted by the [~~State Board of Education~~] state board, by:

5644 (a) reading each School LAND Trust Program plan submitted; and

5645 (b) reviewing expenditures made from School LAND Trust Program money.

5646 (10) The state board shall designate a staff member who administers the School LAND
5647 Trust Program:

5648 (a) to serve as a member of the Land Trusts Protection and Advocacy Committee
5649 created under Section 53D-2-202; and

5650 (b) who may coordinate with the Land Trusts Protection and Advocacy Office director,
5651 appointed under Section 53D-2-203, to attend meetings or events within the School and
5652 Institutional Trust System, as defined in Section 53D-2-102, that relate to the School LAND
5653 Trust Program.

5654 Section 151. Section 53G-8-202 is amended to read:

5655 **53G-8-202. Public school discipline policies -- Basis of the policies --**
5656 **Enforcement.**

5657 (1) The Legislature recognizes that every student in the public schools should have the
5658 opportunity to learn in an environment which is safe, conducive to the learning process, and
5659 free from unnecessary disruption.

5660 (2) (a) To foster such an environment, each local school board or charter school
5661 governing board [~~of a charter school~~], with input from school employees, parents [~~and~~
5662 ~~guardians~~] of students, students, and the community at large, shall adopt conduct and discipline
5663 policies for the public schools in accordance with Section 53G-8-211.

5664 (b) A district or charter school shall base its policies on the principle that every student
5665 is expected:

5666 (i) to follow accepted [~~rules~~] standards of conduct; and

5667 (ii) to show respect for other people and to obey persons in authority at the school.

5668 (c) (i) On or before September 1, 2015, the [~~State Board of Education~~] state board shall
5669 revise the conduct and discipline policy models for elementary and secondary public schools to

5670 include procedures for responding to reports received through the School Safety and Crisis
5671 Line under Subsection 53E-10-502(3).

5672 (ii) Each district or charter school shall use the models, where appropriate, in
5673 developing its conduct and discipline policies under this chapter.

5674 (d) The policies shall emphasize that certain behavior, most particularly behavior
5675 which disrupts, is unacceptable and may result in disciplinary action.

5676 (3) The local superintendent and designated employees of the district or charter school
5677 shall enforce the policies so that students demonstrating unacceptable behavior and their
5678 parents [~~or guardians~~] understand that such behavior will not be tolerated and will be dealt with
5679 in accordance with the district's conduct and discipline policies.

5680 Section 152. Section 53G-8-203 is amended to read:

5681 **53G-8-203. Conduct and discipline policies and procedures.**

5682 (1) The conduct and discipline policies required under Section 53G-8-202 shall
5683 include:

5684 (a) provisions governing student conduct, safety, and welfare;

5685 (b) standards and procedures for dealing with students who cause disruption in the
5686 classroom, on school grounds, on school vehicles, or in connection with school-related
5687 activities or events;

5688 (c) procedures for the development of remedial discipline plans for students who cause
5689 a disruption at any of the places referred to in Subsection (1)(b);

5690 (d) procedures for the use of reasonable and necessary physical restraint in dealing with
5691 students posing a danger to themselves or others, consistent with Section 53G-8-302;

5692 (e) standards and procedures for dealing with student conduct in locations other than
5693 those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:

5694 (i) the school;

5695 (ii) school property;

5696 (iii) a person associated with the school; or

5697 (iv) property associated with a person described in Subsection (1)(e)(iii);

5698 (f) procedures for the imposition of disciplinary sanctions, including suspension and
5699 expulsion;

5700 (g) specific provisions, consistent with Section 53E-3-509, for preventing and

5701 responding to gang-related activities in the school, on school grounds, on school vehicles, or in
5702 connection with school-related activities or events;

5703 (h) standards and procedures for dealing with habitual disruptive or unsafe student
5704 behavior in accordance with the provisions of this part; and

5705 (i) procedures for responding to reports received through the School Safety and Crisis
5706 Line under Subsection 53E-10-502(3).

5707 (2) (a) Each local school board shall establish a policy on detaining students after
5708 regular school hours as a part of the district-wide discipline plan required under Section
5709 53G-8-202.

5710 (b) (i) The policy described in Subsection (2)(a) shall apply to elementary school
5711 students, grades kindergarten through ~~[six]~~ 6.

5712 (ii) The local school board shall receive input from teachers, school administrators, and
5713 parents ~~[and guardians]~~ of the affected students before adopting the policy.

5714 (c) The policy described in Subsection (2)(a) shall provide for:

5715 (i) notice to the parent ~~[or guardian]~~ of a student prior to holding the student after
5716 school on a particular day; and

5717 (ii) exceptions to the notice provision if detention is necessary for the student's health
5718 or safety.

5719 Section 153. Section 53G-8-204 is amended to read:

5720 **53G-8-204. Suspension and expulsion procedures -- Notice to parents --**

5721 **Distribution of policies.**

5722 (1) (a) Policies required under this part shall include written procedures for the
5723 suspension and expulsion of, or denial of admission to, a student, consistent with due process
5724 and other provisions of law.

5725 (b) (i) The policies required in Subsection (1)(a) shall include a procedure directing
5726 public schools to notify the custodial parent and, if requested in writing by a noncustodial
5727 parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a
5728 student.

5729 (ii) Subsection (1)(b)(i) does not apply to that portion of school records which would
5730 disclose any information protected under a court order.

5731 (iii) The custodial parent is responsible for providing to the school a certified copy of

the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school board or the charter school governing board [~~of a charter school~~].

(2) (a) Each local school board or charter school governing board [~~of a charter school~~] shall provide for the distribution of a copy of a school's discipline and conduct policy to each student upon enrollment in the school.

(b) A copy of the policy shall be posted in a prominent location in each school.

(c) Any significant change in a school's conduct and discipline policy shall be distributed to students in the school and posted in the school in a prominent location.

Section 154. Section **53G-8-205** is amended to read:

53G-8-205. Grounds for suspension or expulsion from a public school.

(1) A student may be suspended or expelled from a public school for any of the following reasons:

(a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;

(b) willful destruction or defacing of school property;

(c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;

(d) possession, control, or use of an alcoholic beverage as defined in Section [32B-1-102](#);

(e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or

(f) possession or use of pornographic material on school property.

(2) (a) A student shall be suspended or expelled from a public school for any of the following reasons:

(i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:

(A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

(B) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or

(C) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or

(ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.

(b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:

(i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent ~~[or legal guardian]~~; and

(ii) the superintendent, chief administrator, or designee shall determine:

(A) what conditions must be met by the student and the student's parent for the student to return to school;

(B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and

(C) if it would be in the best interest of both the school district or charter school, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local school board or charter school governing board ~~[of a charter school]~~ and giving highest priority to providing a safe school environment for all students.

(3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.

(4) A suspension or expulsion under this section is not subject to the age limitations under Subsection 53G-6-204(1).

(5) Each local school board and charter school governing board ~~[of a charter school]~~ shall prepare an annual report for the ~~[State Board of Education]~~ state board on:

(a) each violation committed under this section; and

(b) each action taken by the school district against a student who committed the violation.

Section 155. Section **53G-8-206** is amended to read:

53G-8-206. Delegation of authority to suspend or expel a student -- Procedure for suspension -- Readmission.

(1) (a) A local school board [~~of education~~] may delegate to any school principal or assistant principal within the school district the power to suspend a student in the principal's school for up to 10 school days.

(b) A charter school governing board [~~of a charter school~~] may delegate to the chief administrative officer of the charter school the power to suspend a student in the charter school for up to 10 school days.

(2) The local school board or charter school governing board may suspend a student for up to one school year or delegate that power to the district superintendent, the superintendent's designee, or chief administrative officer of a charter school.

(3) The local school board may expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the district superintendent or the superintendent's designee and the conclusions reported to the local school board, at least once each year.

(4) If a student is suspended, a designated school official shall notify the parent [~~or guardian~~] of the student of the following without delay:

(a) that the student has been suspended;

(b) the grounds for the suspension;

(c) the period of time for which the student is suspended; and

(d) the time and place for the parent [~~or guardian~~] to meet with a designated school official to review the suspension.

(5) (a) A suspended student shall immediately leave the school building and the school grounds following a determination by the school of the best way to transfer custody of the student to the parent [~~or guardian~~] or other person authorized by the parent or applicable law to accept custody of the student.

(b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be readmitted to a public school until:

(i) the student and the parent [~~or guardian~~] have met with a designated school official to review the suspension and agreed upon a plan to avoid recurrence of the problem; or

(ii) in the discretion of the principal or chief administrative officer of a charter school, the parent [~~or guardian~~] of the suspended student and the student have agreed to participate in such a meeting.

(c) A suspension may not extend beyond 10 school days unless the student and the student's parent [~~or guardian~~] have been given a reasonable opportunity to meet with a designated school official and respond to the allegations and proposed disciplinary action.

Section 156. Section **53G-8-207** is amended to read:

53G-8-207. Alternatives to suspension or expulsion.

(1) Each local school board or charter school governing board [~~of a charter school~~] shall establish:

(a) policies providing that prior to suspending or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme nature that immediate removal is required, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school; and

(b) alternatives to suspension, including policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent [~~or guardian~~], with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school official.

(2) If the parent [~~or guardian~~] does not agree or fails to attend class with the student, the student shall be suspended in accordance with the conduct and discipline policies of the district or the school.

(3) The parent [~~or guardian~~] of a suspended student and the designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension.

(4) The state superintendent [~~of public instruction~~], in cooperation with school districts and charter schools, shall:

(a) research methods of motivating and providing incentives to students that:

(i) directly and regularly reward or recognize appropriate behavior;

(ii) impose immediate and direct consequences on students who fail to comply with

5856 district or school standards of conduct; and

5857 (iii) keep the students in school, or otherwise continue student learning with
5858 appropriate supervision or accountability;

5859 (b) explore funding resources to implement methods of motivating and providing
5860 incentives to students that meet the criteria specified in Subsection (4)(a);

5861 (c) evaluate the benefits and costs of methods of motivating and providing incentives
5862 to students that meet the criteria specified in Subsection (4)(a);

5863 (d) publish a report that incorporates the research findings, provides model plans with
5864 suggested resource pools, and makes recommendations for local school boards and school
5865 personnel;

5866 (e) submit the report described in Subsection (4)(d) to the Education Interim
5867 Committee; and

5868 (f) maintain data for purposes of accountability, later reporting, and future analysis.

5869 Section 157. Section **53G-8-208** is amended to read:

5870 **53G-8-208. Student suspended or expelled -- Responsibility of parent --**
5871 **Application for students with disabilities.**

5872 (1) If a student is suspended or expelled from a public school under this part for more
5873 than 10 school days, the parent [~~or guardian~~] is responsible for undertaking an alternative
5874 education plan which will ensure that the student's education continues during the period of
5875 suspension or expulsion.

5876 (2) (a) The parent [~~or guardian~~] shall work with designated school officials to
5877 determine how that responsibility might best be met through private education, an alternative
5878 program offered by or through the district or charter school, or other alternative which will
5879 reasonably meet the educational needs of the student.

5880 (b) The parent [~~or guardian~~] and designated school official may enlist the cooperation
5881 of the Division of Child and Family Services, the juvenile court, or other appropriate state
5882 agencies to meet the student's educational needs.

5883 (3) Costs for educational services which are not provided by the school district or
5884 charter school are the responsibility of the student's parent [~~or guardian~~].

5885 (4) (a) Each school district or charter school shall maintain a record of all suspended or
5886 expelled students and a notation of the recorded suspension or expulsion shall be attached to

5887 the individual student's transcript.

5888 (b) The district or charter school shall contact the parent [~~or guardian~~] of each
5889 suspended or expelled student under the age of 16 at least once each month to determine the
5890 student's progress.

5891 (5) (a) This part applies to students with disabilities to the extent permissible under
5892 applicable law or regulation.

5893 (b) If application of any requirement of this part to a student with a disability is not
5894 permissible under applicable law or regulation, the responsible school authority shall
5895 implement other actions consistent with the conflicting law or regulation which shall most
5896 closely correspond to the requirements of this part.

5897 Section 158. Section **53G-8-209** is amended to read:

5898 **53G-8-209. Extracurricular activities -- Prohibited conduct -- Reporting of**
5899 **violations -- Limitation of liability.**

5900 (1) The Legislature recognizes that:

5901 (a) participation in student government and extracurricular activities may confer
5902 important educational and lifetime benefits upon students, and encourages school districts and
5903 charter schools to provide a variety of opportunities for all students to participate in such
5904 activities in meaningful ways;

5905 (b) there is no constitutional right to participate in these types of activities, and does
5906 not through this section or any other provision of law create such a right;

5907 (c) students who participate in student government and extracurricular activities,
5908 particularly competitive athletics, and the adult coaches, advisors, and assistants who direct
5909 those activities, become role models for others in the school and community;

5910 (d) these individuals often play major roles in establishing standards of acceptable
5911 behavior in the school and community, and establishing and maintaining the reputation of the
5912 school and the level of community confidence and support afforded the school; and

5913 (e) it is of the utmost importance that those involved in student government, whether as
5914 officers or advisors, and those involved in competitive athletics and related activities, whether
5915 students or staff, comply with all applicable laws and [~~rules~~] standards of behavior and conduct
5916 themselves at all times in a manner befitting their positions and responsibilities.

5917 (2) (a) The [~~State Board of Education~~] state board may, and local [~~boards of education~~]

and governing boards of charter schools] school boards and charter school governing boards shall, adopt rules or policies implementing this section that apply to both students and staff.

(b) The rules or policies described in Subsection (2)(a) shall include prohibitions against the following types of conduct in accordance with Section [53G-8-211](#), while in the classroom, on school property, during school sponsored activities, or regardless of the location or circumstance, affecting a person or property described in Subsections [53G-8-203](#)(1)(e)(i) through (iv):

(i) use of foul, abusive, or profane language while engaged in school related activities;

(ii) illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in Section [76-10-101](#), tobacco, or alcoholic beverages contrary to law; and

(iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

(3) (a) School employees who reasonably believe that a violation of this section may have occurred shall immediately report that belief to the school principal, district superintendent, or chief administrative officer of a charter school.

(b) Principals who receive a report under Subsection (3)(a) shall submit a report of the alleged incident, and actions taken in response, to the district superintendent or the superintendent's designee within 10 working days after receipt of the report.

(c) Failure of a person holding a professional certificate to report as required under this Subsection (3) constitutes an unprofessional practice.

(4) Limitations of liability set forth under Section [53G-8-405](#) apply to this section.

Section 159. Section **53G-8-210** is amended to read:

53G-8-210. Disruptive student behavior.

(1) As used in this section:

(a) "Disruptive student behavior" includes:

(i) the grounds for suspension or expulsion described in Section [53G-8-205](#); and

(ii) the conduct described in Subsection [53G-8-209](#)(2)(b).

(b) "Parent" includes:

(i) a custodial parent of a school-age minor;
(ii) a legally appointed guardian of a school-age minor; or
(iii) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (1)(b)(i) or (ii).

(c) "Qualifying minor" means a school-age minor who:

(i) is at least nine years old; or
(ii) turns nine years old at any time during the school year.

(d) "School year" means the period of time designated by a local school board or ~~local~~ charter school governing board as the school year for the school where the school-age minor is enrolled.

(2) A local school board, school district, charter school governing board ~~[of a charter school]~~, or charter school may impose administrative penalties in accordance with Section 53G-8-211 on a school-age minor who violates this part.

(3) (a) A local school board or charter school governing board ~~[of a charter school]~~ shall:

(i) authorize a school administrator or a designee of a school administrator to issue notices of disruptive student behavior to qualifying minors; and
(ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to contest a notice of disruptive student behavior.

(b) A school representative shall provide to a parent of a school-age minor, a list of resources available to assist the parent in resolving the school-age minor's disruptive student behavior problem.

(c) A local school board or charter school governing board ~~[of a charter school]~~ shall establish procedures for a school counselor or other designated school representative to work with a qualifying minor who engages in disruptive student behavior in order to attempt to resolve the minor's disruptive student behavior problems.

(4) The notice of disruptive student behavior described in Subsection (3)(a):

(a) shall be issued to a qualifying minor who:
(i) engages in disruptive student behavior, that does not result in suspension or expulsion, three times during the school year; or
(ii) engages in disruptive student behavior, that results in suspension or expulsion, once

5980 during the school year;

5981 (b) shall require that the qualifying minor and a parent of the qualifying minor:

5982 (i) meet with school authorities to discuss the qualifying minor's disruptive student

5983 behavior; and

5984 (ii) cooperate with the local school board or charter school governing board [~~of a~~

5985 ~~charter school~~] in correcting the school-age minor's disruptive student behavior; and

5986 (c) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.

5987 (5) A habitual disruptive student behavior notice:

5988 (a) may only be issued to a qualifying minor who:

5989 (i) engages in disruptive student behavior, that does not result in suspension or

5990 expulsion, at least six times during the school year;

5991 (ii) (A) engages in disruptive student behavior, that does not result in suspension or

5992 expulsion, at least three times during the school year; and

5993 (B) engages in disruptive student behavior, that results in suspension or expulsion, at

5994 least once during the school year; or

5995 (iii) engages in disruptive student behavior, that results in suspension or expulsion, at

5996 least twice during the school year; and

5997 (b) may only be issued by a school administrator, a designee of a school administrator,

5998 or a truancy specialist, who is authorized by a local school board or charter school governing

5999 board [~~of a local charter school~~] to issue a habitual disruptive student behavior notice.

6000 (6) (a) A qualifying minor to whom a habitual disruptive student behavior notice is

6001 issued under Subsection (5) may not be referred to the juvenile court.

6002 (b) Within five days after the day on which a habitual disruptive student behavior

6003 notice is issued, a representative of the school district or charter school shall provide

6004 documentation, to a parent of the qualifying minor who receives the notice, of the efforts made

6005 by a school counselor or representative under Subsection (3)(c).

6006 Section 160. Section **53G-8-211** is amended to read:

6007 **53G-8-211. Responses to school-based behavior.**

6008 (1) As used in this section:

6009 (a) "Evidence-based" means a program or practice that has:

6010 (i) had multiple randomized control studies or a meta-analysis demonstrating that the

6011 program or practice is effective for a specific population;

6012 (ii) been rated as effective by a standardized program evaluation tool; or

6013 (iii) been approved by the [~~State Board of Education~~] state board.

6014 (b) "Mobile crisis outreach team" means the same as that term is defined in Section
6015 78A-6-105.

6016 (c) "Restorative justice program" means a school-based program or a program used or
6017 adopted by a local education agency that is designed to enhance school safety, reduce school
6018 suspensions, and limit referrals to court, and is designed to help minors take responsibility for
6019 and repair the harm of behavior that occurs in school.

6020 (d) "School administrator" means a principal of a school.

6021 (e) "School is in session" means a day during which the school conducts instruction for
6022 which student attendance is counted toward calculating average daily membership.

6023 (f) "School resource officer" means a law enforcement officer, as defined in Section
6024 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts
6025 with a local education agency to provide law enforcement services for the local education
6026 agency.

6027 (g) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
6028 clinic, or other event or activity that is authorized by a specific local education agency or public
6029 school, according to [~~local~~] LEA governing board policy, and satisfies at least one of the
6030 following conditions:

6031 (A) the activity is managed or supervised by a local education agency or public school,
6032 or local education agency or public school employee;

6033 (B) the activity uses the local education agency or public school's facilities, equipment,
6034 or other school resources; or

6035 (C) the activity is supported or subsidized, more than inconsequentially, by public
6036 funds, including the public school's activity funds or [~~minimum school program~~] Minimum
6037 School Program dollars.

6038 (ii) "School-sponsored activity" includes preparation for and involvement in a public
6039 performance, contest, athletic competition, demonstration, display, or club activity.

6040 (h) (i) "Status offense" means a violation of the law that would not be a violation but
6041 for the age of the offender.

6042 (ii) Notwithstanding Subsection (1)(h)(i), a status offense does not include a violation
6043 that by statute is made a misdemeanor or felony.

6044 (2) This section applies to a minor enrolled in school who is alleged to have committed
6045 an offense at the school where the student is enrolled:

6046 (a) on school property where the student is enrolled:

6047 (i) when school is in session; or

6048 (ii) during a school-sponsored activity; or

6049 (b) that is truancy.

6050 (3) (a) If the alleged offense is a class C misdemeanor, an infraction, a status offense
6051 on school property, or truancy, the minor may not be referred to law enforcement or court but
6052 may be referred to evidence-based alternative interventions, including:

6053 (i) a mobile crisis outreach team, as defined in Section 78A-6-105;

6054 (ii) a receiving center operated by the Division of Juvenile Justice Services in
6055 accordance with Section 62A-7-104;

6056 (iii) a youth court or comparable restorative justice program;

6057 (iv) evidence-based interventions created and developed by the school or school
6058 district; and

6059 (v) other evidence-based interventions that may be jointly created and developed by a
6060 local education agency, the [~~State Board of Education~~] state board, the juvenile court, local
6061 counties and municipalities, the Department of Health, or the Department of Human Services.

6062 (b) Notwithstanding Subsection (3)(a), a school resource officer may:

6063 (i) investigate possible criminal offenses and conduct, including conducting probable
6064 cause searches;

6065 (ii) consult with school administration about the conduct of a minor enrolled in a
6066 school;

6067 (iii) transport a minor enrolled in a school to a location if the location is permitted by
6068 law;

6069 (iv) take temporary custody of a minor pursuant to Subsection 78A-6-112(1); or

6070 (v) protect the safety of students and the school community, including the use of
6071 reasonable and necessary physical force when appropriate based on the totality of the
6072 circumstances.

(c) Notwithstanding other provisions of this section, a law enforcement officer who has cause to believe a minor has committed an offense on school property when school is not in session nor during a school-sponsored activity, the law enforcement officer may refer the minor to court or may refer the minor to evidence-based alternative interventions at the discretion of the law enforcement officer.

(4) (a) Notwithstanding Subsection (3)(a) and subject to the requirements of this Subsection (4), a school district or school may refer a minor to court for a class C misdemeanor committed on school property or for being a habitual truant, as defined in Section 53G-6-201, if the minor refuses to participate in an evidence-based alternative intervention described in Subsection (3)(a).

(b) (i) When a minor is referred to court under Subsection (4)(a), the school shall appoint a school representative to continue to engage with the minor and the minor's family through the court process.

(ii) A school representative appointed under this Subsection (4)(b) may not be a school resource officer.

(c) A school district or school shall include the following in its referral to the court:

(i) attendance records for the minor;

(ii) a report of evidence-based alternative interventions used by the school before referral, including outcomes;

(iii) the name and contact information of the school representative assigned to actively participate in the court process with the minor and the minor's family; and

(iv) any other information the school district or school considers relevant.

(d) A minor referred to court under this Subsection (4), may not be ordered to or placed in secure detention, including for a contempt charge or violation of a valid court order under Section 78A-6-1101 when the underlying offense is a class C misdemeanor occurring on school property or habitual truancy.

(e) If a minor is referred to court under this Subsection (4), the court may use, when available, the resources of the Division of Juvenile Justice Services or the Division of Substance Abuse and Mental Health to address the minor.

(5) If the alleged offense is a class B misdemeanor or a class A misdemeanor, the minor may be referred directly to the juvenile court by the school administrator, the school

6104 administrator's designee, or a school resource officer, or the minor may be referred to the
6105 evidence-based alternative interventions in Subsection (3)(a).

6106 Section 161. Section **53G-8-212** is amended to read:

6107 **53G-8-212. Defacing or damaging school property -- Student's liability -- Work**
6108 **program alternative.**

6109 (1) A student who willfully defaces or otherwise damages any school property may be
6110 suspended or otherwise disciplined.

6111 (2) (a) If a school's property has been lost or willfully cut, defaced, or otherwise
6112 damaged, the school may withhold the issuance of an official written grade report, diploma, or
6113 transcript of the student responsible for the damage or loss until the student or the student's
6114 parent [~~or guardian~~] has paid for the damages.

6115 (b) The student's parent [~~or guardian~~] is liable for damages as otherwise provided in
6116 Section [78A-6-1113](#).

6117 (3) (a) If the student and the student's parent [~~or guardian~~] are unable to pay for the
6118 damages or if it is determined by the school in consultation with the student's parent [~~or~~
6119 ~~guardian~~] that the student's interests would not be served if the parent [~~or guardian~~] were to pay
6120 for the damages, the school shall provide for a program of work the student may complete in
6121 lieu of the payment.

6122 (b) The school shall release the official grades, diploma, and transcripts of the student
6123 upon completion of the work.

6124 (4) Before any penalties are assessed under this section, the school shall adopt
6125 procedures to ensure that the student's right to due process is protected.

6126 (5) No penalty may be assessed for damages which may be reasonably attributed to
6127 normal wear and tear.

6128 (6) If the Department of Human Services or a licensed child-placing agency has been
6129 granted custody of the student, the student's records, if requested by the department or agency,
6130 may not be withheld from the department or agency for nonpayment of damages under this
6131 section.

6132 Section 162. Section **53G-8-302** is amended to read:

6133 **53G-8-302. Prohibition of corporal punishment -- Use of reasonable and**
6134 **necessary physical restraint.**

6135 (1) A school employee may not inflict or cause the infliction of corporal punishment
6136 upon a student.

6137 (2) A school employee may use reasonable and necessary physical restraint in self
6138 defense or when otherwise appropriate to the circumstances to:

6139 (a) obtain possession of a weapon or other dangerous object in the possession or under
6140 the control of a student;

6141 (b) protect a student or another individual from physical injury;

6142 (c) remove from a situation a student who is violent; or

6143 (d) protect property from being damaged, when physical safety is at risk.

6144 (3) Nothing in this section prohibits a school employee from using less intrusive
6145 means, including a physical escort, to address circumstances described in Subsection (2).

6146 (4) (a) Any rule, ordinance, policy, practice, or directive which purports to direct or
6147 permit the commission of an act prohibited by this part is void and unenforceable.

6148 (b) An employee may not be subjected to any sanction for failure or refusal to commit
6149 an act prohibited under this part.

6150 (5) A parochial or private school that does not receive state funds to provide for the
6151 education of a student may exempt itself from the provisions of this section by adopting a
6152 policy to that effect and notifying the parents [~~or guardians~~] of students in the school of the
6153 exemption.

6154 (6) This section does not apply to a law enforcement officer as defined in Section
6155 [53-13-103](#).

6156 Section 163. Section **53G-8-404** is amended to read:

6157 **53G-8-404. State board to set procedures.**

6158 The [~~State Board of Education~~] state board shall make rules governing the
6159 dissemination of the information.

6160 Section 164. Section **53G-8-503** is amended to read:

6161 **53G-8-503. Reporting procedure.**

6162 (1) The principal of a public school affected by this chapter shall appoint one educator
6163 as the "designated educator" to make all reports required under Sections [53G-8-501](#) through
6164 [53G-8-504](#).

6165 (2) The designated educator, upon receiving a report of a prohibited act from an

educator under Section 53G-8-502, shall immediately report the violation to the student's parent ~~[or legal guardian]~~, and may report the violation to an appropriate law enforcement agency or official, in accordance with Section 53G-8-211.

(3) The designated educator may not disclose to the student or to the student's parent ~~[or legal guardian]~~ the identity of the educator who made the initial report.

Section 165. Section 53G-8-509 is amended to read:

53G-8-509. State board rules to ensure protection of individual rights.

The ~~[State Board of Education and local boards of education]~~ state board and LEA governing boards shall adopt rules or policies to implement Sections 53G-8-505 through 53G-8-508. The rules or policies shall establish procedures to ensure protection of individual rights against excessive and unreasonable intrusion.

Section 166. Section 53G-8-604 is amended to read:

53G-8-604. Traffic ordinances on school property -- Enforcement.

(1) A local political subdivision in which real property is located that belongs to, or is controlled by, the ~~[State Board of Education, a local board of education]~~ state board, an LEA governing board, an area vocational center, or the Utah Schools for the Deaf and the Blind may, at the request of the responsible board of education or institutional council, adopt ordinances for the control of vehicular traffic on that property.

(2) A law enforcement officer whose jurisdiction includes the property in question may enforce an ordinance adopted under Subsection (1).

Section 167. Section 53G-8-701 is amended to read:

53G-8-701. Definitions.

As used in this ~~[section]~~ part:

~~[(1) "Governing authority" means:]~~

~~[(a) for a school district, the local school board;]~~

~~[(b) for a charter school, the governing board; or]~~

~~[(c) for the Utah Schools for the Deaf and the Blind, the State Board of Education.]~~

~~[(2)]~~ (1) "Law enforcement agency" means the same as that term is defined in Section 53-1-102.

~~[(3) "Local education agency" or "LEA" means:]~~

~~[(a) a school district;]~~

6197 ~~[(b) a charter school; or]~~

6198 ~~[(c) the Utah Schools for the Deaf and the Blind.]~~

6199 ~~[(4)]~~ (2) "School resource officer" or "SRO" means a law enforcement officer, as
6200 defined in Section [53-13-103](#), who contracts with or whose law enforcement agency contracts
6201 with an LEA to provide law enforcement services for the LEA.

6202 Section 168. Section **53G-8-702** is amended to read:

6203 **53G-8-702. School resource officer training -- Curriculum.**

6204 (1) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
6205 ~~the State Board of Education]~~ The state board shall make rules that prepare and make available
6206 a training program for school principals and school resource officers to attend.

6207 (2) To create the curriculum and materials for the training program described in
6208 Subsection (1), the ~~[State Board of Education]~~ state board shall:

6209 (a) work in conjunction with the State Commission on Criminal and Juvenile Justice
6210 created in Section [63M-7-201](#);

6211 (b) solicit input from local school boards, charter school governing boards, and the
6212 Utah Schools for the Deaf and the Blind;

6213 (c) solicit input from local law enforcement and other interested community
6214 stakeholders; and

6215 (d) consider the current United States Department of Education recommendations on
6216 school discipline and the role of a school resource officer.

6217 (3) The training program described in Subsection (1) may include training on the
6218 following:

6219 (a) childhood and adolescent development;

6220 (b) responding age-appropriately to students;

6221 (c) working with disabled students;

6222 (d) techniques to de-escalate and resolve conflict;

6223 (e) cultural awareness;

6224 (f) restorative justice practices;

6225 (g) identifying a student exposed to violence or trauma and referring the student to
6226 appropriate resources;

6227 (h) student privacy rights;

(i) negative consequences associated with youth involvement in the juvenile and criminal justice systems;

(j) strategies to reduce juvenile justice involvement; and

(k) roles of and distinctions between a school resource officer and other school staff who help keep a school secure.

Section 169. Section **53G-8-703** is amended to read:

53G-8-703. Contracts between an LEA and law enforcement for school resource officer services -- Requirements.

(1) An LEA may contract with a law enforcement agency or an individual to provide school resource officer services at the LEA if the [~~LEA's governing authority~~] LEA governing board reviews and approves the contract.

(2) If an LEA contracts with a law enforcement agency or an individual to provide SRO services at the LEA, the [~~LEA's governing authority~~] LEA governing board shall require in the contract:

(a) an acknowledgment by the law enforcement agency or the individual that an SRO hired under the contract shall:

(i) provide for and maintain a safe, healthy, and productive learning environment in a school;

(ii) act as a positive role model to students;

(iii) work to create a cooperative, proactive, and problem-solving partnership between law enforcement and the LEA;

(iv) emphasize the use of restorative approaches to address negative behavior; and

(v) at the request of the LEA, teach a vocational law enforcement class;

(b) a description of the shared understanding of the LEA and the law enforcement agency or individual regarding the roles and responsibilities of law enforcement and the LEA to:

(i) maintain safe schools;

(ii) improve school climate; and

(iii) support educational opportunities for students;

(c) a designation of student offenses that the SRO shall confer with the LEA to resolve, including an offense that:

6259 (i) is a minor violation of the law; and
6260 (ii) would not violate the law if the offense was committed by an adult;
6261 (d) a designation of student offenses that are administrative issues that an SRO shall
6262 refer to a school administrator for resolution in accordance with Section 53G-8-211;
6263 (e) a detailed description of the rights of a student under state and federal law with
6264 regard to:
6265 (i) searches;
6266 (ii) questioning; and
6267 (iii) information privacy;
6268 (f) a detailed description of:
6269 (i) job duties;
6270 (ii) training requirements; and
6271 (iii) other expectations of the SRO and school administration in relation to law
6272 enforcement at the LEA;
6273 (g) that an SRO who is hired under the contract and the principal at the school where
6274 an SRO will be working, or the principal's designee, will jointly complete the SRO training
6275 described in Section 53G-8-702; and
6276 (h) if the contract is between an LEA and a law enforcement agency, that:
6277 (i) both parties agree to jointly discuss SRO applicants; and
6278 (ii) the law enforcement agency will accept feedback from an LEA about an SRO's
6279 performance.
6280 Section 170. Section 53G-9-203 is amended to read:
6281 **53G-9-203. Definitions -- School personnel -- Medical recommendations --**
6282 **Exceptions -- Penalties.**
6283 (1) As used in this section:
6284 (a) "Health care professional" means a physician, physician assistant, nurse, dentist, or
6285 mental health therapist.
6286 (b) "School personnel" means a school district or charter school employee, including a
6287 licensed, part-time, contract, or nonlicensed employee.
6288 (2) School personnel may:
6289 (a) provide information and observations to a student's parent [~~or guardian~~] about that

6290 student, including observations and concerns in the following areas:

6291 (i) progress;

6292 (ii) health and wellness;

6293 (iii) social interactions;

6294 (iv) behavior; or

6295 (v) topics consistent with Subsection [53E-9-203\(6\)](#);

6296 (b) communicate information and observations between school personnel regarding a

6297 child;

6298 (c) refer students to other appropriate school personnel and agents, consistent with

6299 local school board or charter school policy, including referrals and communication with a

6300 school counselor or other mental health professionals working within the school system;

6301 (d) consult or use appropriate health care professionals in the event of an emergency

6302 while the student is at school, consistent with the student emergency information provided at

6303 student enrollment;

6304 (e) exercise their authority relating to the placement within the school or readmission

6305 of a child who may be or has been suspended or expelled for a violation of Section [53G-8-205](#);

6306 and

6307 (f) complete a behavioral health evaluation form if requested by a student's parent [~~or~~

6308 ~~guardian~~] to provide information to a licensed physician.

6309 (3) School personnel shall:

6310 (a) report suspected child abuse consistent with Section [62A-4a-403](#);

6311 (b) comply with applicable state and local health department laws, rules, and policies;

6312 and

6313 (c) conduct evaluations and assessments consistent with the Individuals with

6314 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.

6315 (4) Except as provided in Subsection (2), Subsection (6), and Section [53G-9-604](#),

6316 school personnel may not:

6317 (a) recommend to a parent [~~or guardian~~] that a child take or continue to take a

6318 psychotropic medication;

6319 (b) require that a student take or continue to take a psychotropic medication as a

6320 condition for attending school;

6321 (c) recommend that a parent [~~or guardian~~] seek or use a type of psychiatric or
6322 psychological treatment for a child;

6323 (d) conduct a psychiatric or behavioral health evaluation or mental health screening,
6324 test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the
6325 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent
6326 amendments; or

6327 (e) make a child abuse or neglect report to authorities, including the Division of Child
6328 and Family Services, solely or primarily on the basis that a parent [~~or guardian~~] refuses to
6329 consent to:

6330 (i) a psychiatric, psychological, or behavioral treatment for a child, including the
6331 administration of a psychotropic medication to a child; or

6332 (ii) a psychiatric or behavioral health evaluation of a child.

6333 (5) Notwithstanding Subsection (4)(e), school personnel may make a report that would
6334 otherwise be prohibited under Subsection (4)(e) if failure to take the action described under
6335 Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of
6336 others.

6337 (6) Notwithstanding Subsection (4), a school counselor or other mental health
6338 professional acting in accordance with Title 58, Chapter 60, Mental Health Professional
6339 Practice Act, or licensed through the [~~State Board of Education~~] state board, working within
6340 the school system may:

6341 (a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;

6342 (b) recommend, but not require, psychiatric, psychological, or behavioral treatment for
6343 a child;

6344 (c) conduct a psychiatric or behavioral health evaluation or mental health screening,
6345 test, evaluation, or assessment of a child in accordance with Section [53E-9-203](#); and

6346 (d) provide to a parent [~~or guardian~~], upon the specific request of the parent [~~or~~
6347 ~~guardian~~], a list of three or more health care professionals or providers, including licensed
6348 physicians, psychologists, or other health specialists.

6349 (7) Local school boards or charter schools shall adopt a policy:

6350 (a) providing for training of appropriate school personnel on the provisions of this
6351 section; and

(b) indicating that an intentional violation of this section is cause for disciplinary action consistent with local school board or charter school policy and under Section 53G-11-513.

(8) Nothing in this section shall be interpreted as discouraging general communication not prohibited by this section between school personnel and a student's parent ~~[or guardian]~~.

Section 171. Section 53G-9-205 is amended to read:

53G-9-205. School Breakfast Program -- Review of nonparticipants.

(1) (a) Each local school board shall, at least once every three years, review each elementary school in its district that does not participate in the School Breakfast Program as to the school's reasons for nonparticipation.

(b) (i) If the local school board determines that there are valid reasons for the school's nonparticipation, no further action is needed.

(ii) Reasons for nonparticipation may include a recommendation from the school community council authorized under Section 53G-7-1202 or a similar group of parents and school employees that the school should not participate in the program.

(2) (a) After two nonparticipation reviews, a local school board may, by majority vote, waive any further reviews of the nonparticipatory school.

(b) A waiver of the review process under Subsection (2)(a) does not prohibit subsequent consideration by the local school board of an individual school's nonparticipation in the School Breakfast Program.

(3) The requirements of this section shall be nullified by the termination of the entitlement status of the School Breakfast Program by the federal government.

Section 172. Section 53G-9-206 is amended to read:

53G-9-206. Eye protective devices for industrial education, physics laboratory, and chemistry laboratory activities.

(1) Any individual who participates in any of the following activities in public or private schools that may endanger his vision shall wear quality eye protective devices:

(a) industrial education activities that involve:

(i) hot molten metals;

(ii) the operation of equipment that could throw particles of foreign matter into the eyes;

(iii) heat treating, tempering, or kiln firing of any industrial materials;

6383 (iv) gas or electric arc welding; or

6384 (v) caustic or explosive material;

6385 (b) chemistry or physics laboratories when using caustic or explosive chemicals, and
6386 hot liquids and solids.

6387 (2) "Quality eye protective devices" means devices that meet the standards of the
6388 American Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, promulgated by
6389 the American Standards Association, Inc.

6390 (3) (a) The local school board shall furnish these protective devices to individuals
6391 involved in these activities.

6392 (b) The local school board may sell these protective devices at cost or rent or loan them
6393 to individuals involved in these activities.

6394 Section 173. Section **53G-9-207** is amended to read:

6395 **53G-9-207. Child sexual abuse prevention.**

6396 (1) As used in this section, "school personnel" means the same as that term is defined
6397 in Section **53G-9-203**.

6398 (2) The [~~State Board of Education~~] state board shall approve, in partnership with the
6399 Department of Human Services, age-appropriate instructional materials for the training and
6400 instruction described in Subsections (3)(a) and (4).

6401 (3) (a) A school district or charter school shall provide, every other year, training and
6402 instruction on child sexual abuse prevention and awareness to:

6403 (i) school personnel in elementary and secondary schools on:

6404 (A) responding to a disclosure of child sexual abuse in a supportive, appropriate
6405 manner; and

6406 (B) the mandatory reporting requirements described in Sections **53E-6-701** and
6407 **62A-4a-403**; and

6408 (ii) parents [~~or guardians~~] of elementary school students on:

6409 (A) recognizing warning signs of a child who is being sexually abused; and

6410 (B) effective, age-appropriate methods for discussing the topic of child sexual abuse
6411 with a child.

6412 (b) A school district or charter school shall use the instructional materials approved by
6413 the [~~State Board of Education~~] state board under Subsection (2) to provide the training and

6414 instruction to school personnel and parents [~~or guardians~~] under Subsection (3)(a).

6415 (4) (a) In accordance with Subsections (4)(b) and (5), a school district or charter school
6416 may provide instruction on child sexual abuse prevention and awareness to elementary school
6417 students using age-appropriate curriculum.

6418 (b) A school district or charter school that provides the instruction described in
6419 Subsection (4)(a) shall use the instructional materials approved by the state board under
6420 Subsection (2) to provide the instruction.

6421 (5) (a) An elementary school student may not be given the instruction described in
6422 Subsection (4) unless the parent [~~or guardian~~] of the student is:

6423 (i) notified in advance of the:

6424 (A) instruction and the content of the instruction; and

6425 (B) [~~parent or guardian's~~] parent's right to have the student excused from the
6426 instruction;

6427 (ii) given an opportunity to review the instructional materials before the instruction
6428 occurs; and

6429 (iii) allowed to be present when the instruction is delivered.

6430 (b) Upon the written request of the parent [~~or guardian~~] of an elementary school
6431 student, the student shall be excused from the instruction described in Subsection (4).

6432 (c) Participation of a student requires compliance with Sections [53E-9-202](#) and
6433 [53E-9-203](#).

6434 (6) A school district or charter school may determine the mode of delivery for the
6435 training and instruction described in Subsections (3) and (4).

6436 (7) Upon request of the [~~State Board of Education~~] state board, a school district or
6437 charter school shall provide evidence of compliance with this section.

6438 Section 174. Section **53G-9-208** is amended to read:

6439 **53G-9-208. Sunscreen -- Possession -- Administration -- Immunity.**

6440 (1) As used in this section, "sunscreen" means a compound topically applied to prevent
6441 sunburn.

6442 (2) A public school shall permit a student, without a parent or physician's
6443 authorization, to possess or self-apply sunscreen that is regulated by the Food and Drug
6444 Administration.

(3) If a student is unable to self-apply sunscreen, a volunteer school employee may apply the sunscreen on the student if the student's parent [~~or legal guardian~~] provides written consent for the assistance.

(4) A volunteer school employee who applies sunscreen on a student in compliance with Subsection (3) and the volunteer school employee's employer are not liable for:

(a) an adverse reaction suffered by the student as a result of having the sunscreen applied; or

(b) discontinuing the application of the sunscreen at any time.

Section 175. Section **53G-9-301** is amended to read:

53G-9-301. Definitions.

As used in this part:

(1) "Department" means the Department of Health, created in Section [26-1-4](#).

(2) "Health official" means an individual designated by a local health department from within the local health department to consult and counsel parents and licensed health care providers, in accordance with Subsection [53G-9-304\(2\)\(a\)](#).

(3) "Health official designee" means a licensed health care provider designated by a local health department, in accordance with Subsection [53G-9-304\(2\)\(b\)](#), to consult with parents, licensed health care professionals, and school officials.

(4) "Immunization" or "immunize" means a process through which an individual develops an immunity to a disease, through vaccination or natural exposure to the disease.

(5) "Immunization record" means a record relating to a student that includes:

(a) information regarding each required vaccination that the student has received, including the date each vaccine was administered, verified by:

(i) a licensed health care provider;

(ii) an authorized representative of a local health department;

(iii) an authorized representative of the department;

(iv) a registered nurse; or

(v) a pharmacist;

(b) information regarding each disease against which the student has been immunized by previously contracting the disease; and

(c) an exemption form identifying each required vaccination from which the student is

6476 exempt, including all required supporting documentation described in Section [53G-9-303](#).
6477 (6) "Legally responsible individual" means:
6478 (a) a student's parent;
6479 (b) the student's legal guardian;
6480 (c) an adult brother or sister of a student who has no legal guardian; or
6481 (d) the student, if the student:
6482 (i) is an adult; or
6483 (ii) is a minor who may consent to treatment under Section [26-10-9](#).
6484 (7) "Licensed health care provider" means a health care provider who is licensed under
6485 Title 58, Occupations and Professions, as:
6486 (a) a medical doctor;
6487 (b) an osteopathic doctor;
6488 (c) a physician assistant; or
6489 (d) an advanced practice registered nurse.
6490 ~~[(8) "Local education agency" or "LEA" means:]~~
6491 ~~[(a) a school district;]~~
6492 ~~[(b) a charter school; or]~~
6493 ~~[(c) the Utah Schools for the Deaf and the Blind.]~~
6494 ~~[(9)]~~ (8) "Local health department" means the same as that term is defined in Section
6495 [26A-1-102](#).
6496 ~~[(10)]~~ (9) "Required vaccines" means vaccines required by department rule described
6497 in Section [53G-9-305](#).
6498 ~~[(11)]~~ (10) "School" means any public or private:
6499 (a) elementary or secondary school through grade 12;
6500 (b) preschool;
6501 (c) child care program, as that term is defined in Section [26-39-102](#);
6502 (d) nursery school; or
6503 (e) kindergarten.
6504 ~~[(12)]~~ (11) "Student" means an individual who attends a school.
6505 ~~[(13)]~~ (12) "Vaccinating" or "vaccination" means the administration of a vaccine.
6506 ~~[(14)]~~ (13) "Vaccination exemption form" means a form, described in Section

6507 53G-9-304, that documents and verifies that a student is exempt from the requirement to
6508 receive one or more required vaccines.

6509 [(15)] (14) "Vaccine" means the substance licensed for use by the United States Food
6510 and Drug Administration that is injected into or otherwise administered to an individual to
6511 immunize the individual against a communicable disease.

6512 Section 176. Section 53G-9-402 is amended to read:

6513 53G-9-402. Rules for examinations prescribed by Department of Health --
6514 Notification of impairment.

6515 (1) (a) Each local school board shall implement [rules] policies as prescribed by the
6516 Department of Health for vision, dental, abnormal spinal curvature, and hearing examinations
6517 of students attending the district's schools.

6518 (b) Under guidelines of the Department of Health, qualified health professionals shall
6519 provide instructions, equipment, and materials for conducting the examinations.

6520 (c) The [rules] policies shall include exemption provisions for students whose parents
6521 [or guardians] contend the examinations violate their personal beliefs.

6522 (2) The school shall notify, in writing, a student's parent [or guardian] of any
6523 impairment disclosed by the examinations.

6524 Section 177. Section 53G-9-404 is amended to read:

6525 53G-9-404. Vision screening.

6526 (1) As used in this section:

6527 (a) "Office" means the Utah State Office of Rehabilitation created in Section
6528 35A-1-202.

6529 (b) "Qualifying child" means a child who is at least 3-1/2 years old, but is less than
6530 nine years old.

6531 (2) A child under nine years old entering school for the first time in this state must
6532 present the following to the school:

6533 (a) a certificate signed by a licensed physician, optometrist, or other licensed health
6534 professional approved by the office, stating that the child has received vision screening to
6535 determine the presence of amblyopia or other visual defects; or

6536 (b) a written statement signed by at least one parent [or legal guardian] of the child that
6537 the screening violates the personal beliefs of the parent [or legal guardian].

6538 (3) (a) The office:

6539 (i) shall provide vision screening report forms to a person approved by the office to
6540 conduct a free vision screening for a qualifying child;

6541 (ii) may work with health care professionals, teachers, and vision screeners to develop
6542 protocols that may be used by a parent, teacher, or vision screener to help identify a child who
6543 may have conditions that are not detected in a vision screening, such as problems with eye
6544 focusing, eye tracking, visual perceptual skills, visual motor integration, and convergence
6545 insufficiency; and

6546 (iii) shall, once protocols are established under Subsection (3)(a)(ii), develop language
6547 regarding the vision problems identified in Subsection (3)(a)(ii) to be included in the notice
6548 required by Subsection (3)(b).

6549 (b) The report forms shall include the following information for a parent [~~or guardian~~]:
6550 "vision screening is not a substitute for a complete eye exam and vision evaluation by an eye
6551 doctor."

6552 (4) A school district or charter school may conduct free vision screening clinics for a
6553 qualifying child.

6554 (5) (a) The office shall maintain a central register of qualifying children who fail vision
6555 screening and who are referred for follow-up treatment.

6556 (b) The register described in Subsection (5)(a) shall include the name of the child, age
6557 or birthdate, address, cause for referral, and follow-up results.

6558 (c) A school district or charter school shall report to the office referral follow-up results
6559 for a qualifying child.

6560 (6) (a) A school district or charter school shall ensure that a volunteer who serves as a
6561 vision screener for a free vision screening clinic for a qualifying child:

6562 (i) is a school nurse;

6563 (ii) holds a certificate issued by the office under Subsection (6)(b)(ii); or

6564 (iii) is directly supervised by an individual described in Subsection (6)(a)(i) or (ii).

6565 (b) The office shall:

6566 (i) provide vision screening training to a volunteer seeking a certificate described in
6567 Subsection (6)(b)(ii), using curriculum established by the office; and

6568 (ii) issue a certificate to a volunteer who successfully completes the vision screening

6569 training described in Subsection (6)(b)(i).

6570 (c) An individual described in Subsection (6)(a) is not liable for damages that result
6571 from acts or omissions related to the vision screening, unless the acts or omissions are willful
6572 or grossly negligent.

6573 (7) (a) Except as provided in Subsection (7)(b), a licensed health professional
6574 providing vision care to private patients may not participate as a screener in a free vision
6575 screening program provided by a school district.

6576 (b) A school district or charter school may:

6577 (i) allow a licensed health professional who provides vision care to private patients to
6578 participate as a screener in a free vision screening program for a child 3-1/2 years old or older;

6579 (ii) establish guidelines to administer a free vision screening program described in
6580 Subsection (7)(b)(i); and

6581 (iii) establish penalties for a violation of the requirements of Subsection (7)(c).

6582 (c) A licensed health professional or other person who participates as a screener in a
6583 free vision screening program described in Subsection (7)(b):

6584 (i) may not market, advertise, or promote the licensed health professional's business in
6585 connection with providing the free screening at the school; and

6586 (ii) shall provide the child's results of the free vision screening on a form produced by
6587 the school or school district, which:

6588 (A) may not include contact information other than the name of the licensed health
6589 professional; and

6590 (B) shall include a statement: "vision screening is not a substitute for a complete eye
6591 exam and vision evaluation by an eye doctor."

6592 (d) A school district or charter school may provide information to a parent [~~or~~
6593 ~~guardian~~] of the availability of follow up vision services for a student.

6594 (8) The Department of Health shall:

6595 (a) by rule, set standards and procedures for vision screening required by this part,
6596 which shall include a process for notifying the parent [~~or guardian~~] of a child who fails a vision
6597 screening or is identified as needing follow-up care; and

6598 (b) provide the office with copies of rules, standards, instructions, and test charts
6599 necessary for conducting vision screening.

6600 (9) The office shall supervise screening, referral, and follow-up required by this part.

6601 Section 178. Section **53G-9-502** is amended to read:

6602 **53G-9-502. Administration of medication to students -- Prerequisites -- Immunity**
6603 **from liability -- Applicability.**

6604 (1) A public or private school that holds any classes in grades kindergarten through 12
6605 may provide for the administration of medication to any student during periods when the
6606 student is under the control of the school, subject to the following conditions:

6607 (a) the local school board, charter school governing board, or the private equivalent,
6608 after consultation with the Department of Health and school nurses shall adopt policies that
6609 provide for:

- 6610 (i) the designation of volunteer employees who may administer medication;
6611 (ii) proper identification and safekeeping of medication;
6612 (iii) the training of designated volunteer employees by the school nurse;
6613 (iv) maintenance of records of administration; and
6614 (v) notification to the school nurse of medication that will be administered to students;
6615 and

6616 (b) medication may only be administered to a student if:

- 6617 (i) the student's parent [~~or legal guardian~~] has provided a current written and signed
6618 request that medication be administered during regular school hours to the student; and
6619 (ii) the student's licensed health care provider has prescribed the medication and
6620 provides documentation as to the method, amount, and time schedule for administration, and a
6621 statement that administration of medication by school employees during periods when the
6622 student is under the control of the school is medically necessary.

6623 (2) Authorization for administration of medication by school personnel may be
6624 withdrawn by the school at any time following actual notice to the student's parent [~~or~~
6625 ~~guardian~~].

6626 (3) School personnel who provide assistance under Subsection (1) in substantial
6627 compliance with the licensed health care provider's written prescription and the employers of
6628 these school personnel are not liable, civilly or criminally, for:

- 6629 (a) any adverse reaction suffered by the student as a result of taking the medication;
6630 and

6631 (b) discontinuing the administration of the medication under Subsection (2).
6632 (4) Subsections (1) through (3) do not apply to:
6633 (a) the administration of glucagon in accordance with Section 53G-9-504;
6634 (b) the administration of a seizure rescue medication in accordance with Section
6635 53G-9-505; or
6636 (c) the administration of an opiate antagonist in accordance with Title 26, Chapter 55,
6637 Opiate Overdose Response Act.
6638 Section 179. Section 53G-9-503 is amended to read:
6639 **53G-9-503. Self-administration of asthma medication.**
6640 (1) As used in this section, "asthma medication" means prescription or nonprescription,
6641 inhaled asthma medication.
6642 (2) A public school shall permit a student to possess and self-administer asthma
6643 medication if:
6644 (a) the student's parent [~~or guardian~~] signs a statement:
6645 (i) authorizing the student to self-administer asthma medication; and
6646 (ii) acknowledging that the student is responsible for, and capable of,
6647 self-administering the asthma medication; and
6648 (b) the student's health care provider provides a written statement that states:
6649 (i) it is medically appropriate for the student to self-administer asthma medication and
6650 be in possession of asthma medication at all times; and
6651 (ii) the name of the asthma medication prescribed or authorized for the student's use.
6652 (3) The Utah Department of Health, in cooperation with the state superintendent [~~of~~
6653 ~~public instruction~~], shall design forms to be used by public schools for the parental and health
6654 care provider statements described in Subsection (2).
6655 (4) Section 53G-8-205 does not apply to the possession and self-administration of
6656 asthma medication in accordance with this section.
6657 Section 180. Section 53G-9-504 is amended to read:
6658 **53G-9-504. Administration of glucagon -- Training of volunteer school personnel**
6659 **-- Authority to use glucagon -- Immunity from liability.**
6660 (1) As used in this section, "glucagon authorization" means a signed statement from a
6661 parent [~~or guardian~~] of a student with diabetes:

(a) certifying that glucagon has been prescribed for the student;

(b) requesting that the student's public school identify and train school personnel who volunteer to be trained in the administration of glucagon in accordance with this section; and

(c) authorizing the administration of glucagon in an emergency to the student in accordance with this section.

(2) (a) A public school shall, within a reasonable time after receiving a glucagon authorization, train two or more school personnel who volunteer to be trained in the administration of glucagon, with training provided by the school nurse or another qualified, licensed medical professional.

(b) A public school shall allow all willing school personnel to receive training in the administration of glucagon, and the school shall assist and may not obstruct the identification or training of volunteers under this Subsection (2).

(c) The Utah Department of Health, in cooperation with the state superintendent ~~[of public instruction]~~, shall design a glucagon authorization form to be used by public schools in accordance with this section.

(3) (a) Training in the administration of glucagon shall include:

(i) techniques for recognizing the symptoms that warrant the administration of glucagon;

(ii) standards and procedures for the storage and use of glucagon;

(iii) other emergency procedures, including calling the emergency 911 number and contacting, if possible, the student's parent ~~[or guardian]~~; and

(iv) written materials covering the information required under this Subsection (3).

(b) A school shall retain for reference the written materials prepared in accordance with Subsection (3)(a)(iv).

(4) A public school shall permit a student or school personnel to possess or store prescribed glucagon so that it will be available for administration in an emergency in accordance with this section.

(5) (a) A person who has received training in accordance with this section may administer glucagon at a school or school activity to a student with a glucagon authorization if:

(i) the student is exhibiting the symptoms that warrant the administration of glucagon; and

6693 (ii) a licensed health care professional is not immediately available.

6694 (b) A person who administers glucagon in accordance with Subsection (5)(a) shall
6695 direct a responsible person to call 911 and take other appropriate actions in accordance with the
6696 training materials retained under Subsection (3)(b).

6697 (6) School personnel who provide or receive training under this section and act in good
6698 faith are not liable in any civil or criminal action for any act taken or not taken under the
6699 authority of this section with respect to the administration of glucagon.

6700 (7) Section 53G-9-502 does not apply to the administration of glucagon in accordance
6701 with this section.

6702 (8) Section 53G-8-205 does not apply to the possession and administration of glucagon
6703 in accordance with this section.

6704 (9) The unlawful or unprofessional conduct provisions of Title 58, Occupations and
6705 Professions, do not apply to a person licensed as a health professional under Title 58,
6706 Occupations and Professions, including a nurse, physician, or pharmacist who, in good faith,
6707 trains nonlicensed volunteers to administer glucagon in accordance with this section.

6708 Section 181. Section 53G-9-505 is amended to read:

6709 **53G-9-505. Trained school employee volunteers -- Administration of seizure**
6710 **rescue medication -- Exemptions from liability.**

6711 (1) As used in this section:

6712 (a) "Prescribing health care professional" means:

6713 (i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice
6714 Act;

6715 (ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah
6716 Osteopathic Medical Practice Act;

6717 (iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse
6718 Practice Act; or

6719 (iv) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

6720 ~~[(b) "Section 504 accommodation plan" means a plan developed pursuant to Section~~
6721 ~~504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to~~
6722 ~~an individual with a disability to ensure access to major life activities.]~~

6723 ~~[(c)]~~ (b) "Seizure rescue authorization" means a student's Section 504 accommodation

6724 plan that:

6725 (i) certifies that:

6726 (A) a prescribing health care professional has prescribed a seizure rescue medication
6727 for the student;

6728 (B) the student's parent [~~or legal guardian~~] has previously administered the student's
6729 seizure rescue medication in a nonmedically-supervised setting without a complication; and

6730 (C) the student has previously ceased having full body prolonged or convulsive seizure
6731 activity as a result of receiving the seizure rescue medication;

6732 (ii) describes the specific seizure rescue medication authorized for the student,
6733 including the indicated dose, and instructions for administration;

6734 (iii) requests that the student's public school identify and train school employees who
6735 are willing to volunteer to receive training to administer a seizure rescue medication in
6736 accordance with this section; and

6737 (iv) authorizes a trained school employee volunteer to administer a seizure rescue
6738 medication in accordance with this section.

6739 ~~[(d)]~~ (c) (i) "Seizure rescue medication" means a medication, prescribed by a
6740 prescribing health care professional, to be administered as described in a student's seizure
6741 rescue authorization, while the student experiences seizure activity.

6742 (ii) A seizure rescue medication does not include a medication administered
6743 intravenously or intramuscularly.

6744 ~~[(e)]~~ (d) "Trained school employee volunteer" means an individual who:

6745 (i) is an employee of a public school where at least one student has a seizure rescue
6746 authorization;

6747 (ii) is at least 18 years old; and

6748 (iii) as described in this section:

6749 (A) volunteers to receive training in the administration of a seizure rescue medication;

6750 (B) completes a training program described in this section;

6751 (C) demonstrates competency on an assessment; and

6752 (D) completes annual refresher training each year that the individual intends to remain
6753 a trained school employee volunteer.

6754 (2) (a) The Department of Health shall, with input from the [~~State Board of Education~~]

6755 state board and a children's hospital, develop a training program for trained school employee
6756 volunteers in the administration of seizure rescue medications that includes:

6757 (i) techniques to recognize symptoms that warrant the administration of a seizure
6758 rescue medication;

6759 (ii) standards and procedures for the storage of a seizure rescue medication;

6760 (iii) procedures, in addition to administering a seizure rescue medication, in the event
6761 that a student requires administration of the seizure rescue medication, including:

6762 (A) calling 911; and

6763 (B) contacting the student's parent [~~or legal guardian~~];

6764 (iv) an assessment to determine if an individual is competent to administer a seizure
6765 rescue medication;

6766 (v) an annual refresher training component; and

6767 (vi) written materials describing the information required under this Subsection (2)(a).

6768 (b) A public school shall retain for reference the written materials described in
6769 Subsection (2)(a)(vi).

6770 (c) The following individuals may provide the training described in Subsection (2)(a):

6771 (i) a school nurse; or

6772 (ii) a licensed health care professional.

6773 (3) (a) A public school shall, after receiving a seizure rescue authorization:

6774 (i) inform school employees of the opportunity to be a school employee volunteer; and

6775 (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who
6776 volunteers, using the training program described in Subsection (2)(a).

6777 (b) A public school may not:

6778 (i) obstruct the identification or training of a trained school employee volunteer; or

6779 (ii) compel a school employee to become a trained school employee volunteer.

6780 (4) A trained school employee volunteer may possess or store a prescribed rescue
6781 seizure medication, in accordance with this section.

6782 (5) A trained school employee volunteer may administer a seizure rescue medication to
6783 a student with a seizure rescue authorization if:

6784 (a) the student is exhibiting a symptom, described on the student's seizure rescue
6785 authorization, that warrants the administration of a seizure rescue medication; and

(b) a licensed health care professional is not immediately available to administer the seizure rescue medication.

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

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

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

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

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

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

Section 182. Section 53G-9-506 is amended to read:

53G-9-506. Diabetes medication -- Possession -- Self-administration.

(1) As used in this section, "diabetes medication" means prescription or nonprescription medication used to treat diabetes, including related medical devices, supplies, and equipment used to treat diabetes.

(2) A public school shall permit a student to possess or possess and self-administer diabetes medication if:

(a) the student's parent [~~or guardian~~] signs a statement:

(i) authorizing the student to possess or possess and self-administer diabetes medication; and

(ii) acknowledging that the student is responsible for, and capable of, possessing or

6817 possessing and self-administering the diabetes medication; and

6818 (b) the student's health care provider provides a written statement that states:

6819 (i) it is medically appropriate for the student to possess or possess and self-administer
6820 diabetes medication and the student should be in possession of diabetes medication at all times;
6821 and

6822 (ii) the name of the diabetes medication prescribed or authorized for the student's use.

6823 (3) The Utah Department of Health, in cooperation with the state superintendent [~~of~~
6824 ~~public instruction~~], shall design forms to be used by public schools for the parental and health
6825 care provider statements described in Subsection (2).

6826 (4) Section ~~53G-8-205~~ does not apply to the possession and self-administration of
6827 diabetes medication in accordance with this section.

6828 Section 183. Section ~~53G-9-601~~ is amended to read:

6829 **~~53G-9-601. Definitions.~~**

6830 As used in this part:

6831 (1) (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or
6832 student directed toward a school employee that, based on its severity, nature, and frequency of
6833 occurrence, a reasonable person would determine is intended to cause intimidation,
6834 humiliation, or unwarranted distress.

6835 (b) A single act does not constitute abusive conduct.

6836 (2) "Bullying" means a school employee or student intentionally committing a written,
6837 verbal, or physical act against a school employee or student that a reasonable person under the
6838 circumstances should know or reasonably foresee will have the effect of:

6839 (a) causing physical or emotional harm to the school employee or student;

6840 (b) causing damage to the school employee's or student's property;

6841 (c) placing the school employee or student in reasonable fear of:

6842 (i) harm to the school employee's or student's physical or emotional well-being; or

6843 (ii) damage to the school employee's or student's property;

6844 (d) creating a hostile, threatening, humiliating, or abusive educational environment due
6845 to:

6846 (i) the pervasiveness, persistence, or severity of the actions; or

6847 (ii) a power differential between the bully and the target; or

6848 (e) substantially interfering with a student having a safe school environment that is
6849 necessary to facilitate educational performance, opportunities, or benefits.

6850 (3) "Communication" means the conveyance of a message, whether verbal, written, or
6851 electronic.

6852 (4) "Cyber-bullying" means using the Internet, a cell phone, or another device to send
6853 or post text, video, or an image with the intent or knowledge, or with reckless disregard, that
6854 the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether
6855 the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the
6856 electronic communication.

6857 (5) (a) "Hazing" means a school employee or student intentionally, knowingly, or
6858 recklessly committing an act or causing another individual to commit an act toward a school
6859 employee or student that:

6860 (i) (A) endangers the mental or physical health or safety of a school employee or
6861 student;

6862 (B) involves any brutality of a physical nature, including whipping, beating, branding,
6863 calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or
6864 exposure to the elements;

6865 (C) involves consumption of any food, alcoholic product, drug, or other substance or
6866 other physical activity that endangers the mental or physical health and safety of a school
6867 employee or student; or

6868 (D) involves any activity that would subject a school employee or student to extreme
6869 mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that
6870 subjects a school employee or student to extreme embarrassment, shame, or humiliation; and

6871 (ii) (A) is committed for the purpose of initiation into, admission into, affiliation with,
6872 holding office in, or as a condition for membership in a school or school sponsored team,
6873 organization, program, club, or event; or

6874 (B) is directed toward a school employee or student whom the individual who commits
6875 the act knows, at the time the act is committed, is a member of, or candidate for membership
6876 in, a school or school sponsored team, organization, program, club, or event in which the
6877 individual who commits the act also participates.

6878 (b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of

6879 whether the school employee or student against whom the conduct is committed directed,
6880 consented to, or acquiesced in, the conduct.

6881 (6) "LEA governing board" means a local school board or charter school governing
6882 board.

6883 ~~[(6)]~~ (7) "Policy" means ~~[a school]~~ an LEA governing board policy described in
6884 Section 53G-9-605.

6885 ~~[(7)]~~ (8) "Retaliate" means an act or communication intended:

6886 (a) as retribution against a person for reporting bullying or hazing; or

6887 (b) to improperly influence the investigation of, or the response to, a report of bullying
6888 or hazing.

6889 ~~[(8)]~~ (9) "School" means a public elementary or secondary school, including a charter
6890 school.

6891 ~~[(9) "School board" means:]~~

6892 ~~[(a) a local school board; or]~~

6893 ~~[(b) a charter school governing board.]~~

6894 (10) "School employee" means an individual working in the individual's official
6895 capacity as:

6896 (a) a school teacher;

6897 (b) a school staff member;

6898 (c) a school administrator; or

6899 (d) an individual:

6900 (i) who is employed, directly or indirectly, by a school, ~~[school board]~~ an LEA
6901 governing board, or a school district; and

6902 (ii) who works on a school campus.

6903 Section 184. Section **53G-9-604** is amended to read:

6904 **53G-9-604. Parental notification of certain incidents and threats required.**

6905 ~~[(1) For purposes of this section, "parent" includes a student's guardian.]~~

6906 ~~[(2)]~~ (1) A school shall:

6907 (a) notify a parent if the parent's student threatens to commit suicide; or

6908 (b) notify the parents of each student involved in an incident of bullying,

6909 cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's

6910 student.

6911 ~~[(3)]~~ (2) (a) If a school notifies a parent of an incident or threat required to be reported
6912 under Subsection ~~[(2)]~~ (1), the school shall produce and maintain a record that verifies that the
6913 parent was notified of the incident or threat.

6914 (b) A school shall maintain a record described in Subsection ~~[(3)]~~ (2)(a) in accordance
6915 with the requirements of:

6916 (i) Title 53E, Chapter 9, Part 2, Student Privacy;

6917 (ii) Title 53E, Chapter 9, Part 3, Student Data Protection;

6918 (iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

6919 (iv) 34 C.F.R. Part 99.

6920 ~~[(4)]~~ (3) A local school board or charter school governing board shall adopt a policy
6921 regarding the process for:

6922 (a) notifying a parent as required in Subsection ~~[(2)]~~ (1); and

6923 (b) producing and retaining a record that verifies that a parent was notified of an
6924 incident or threat as required in Subsection ~~[(3)]~~ (2).

6925 ~~[(5)]~~ (4) At the request of a parent, a school may provide information and make
6926 recommendations related to an incident or threat described in Subsection ~~[(2)]~~ (1).

6927 ~~[(6)]~~ (5) A school shall:

6928 (a) provide a student a copy of a record maintained in accordance with this section that
6929 relates to the student if the student requests a copy of the record; and

6930 (b) expunge a record maintained in accordance with this section that relates to a
6931 student if the student:

6932 (i) has graduated from high school; and

6933 (ii) requests the record be expunged.

6934 Section 185. Section **53G-9-605** is amended to read:

6935 **53G-9-605. Bullying, cyber-bullying, hazing, abusive conduct, and retaliation**
6936 **policy.**

6937 (1) On or before September 1, 2018, ~~[a school]~~ an LEA governing board shall update
6938 the ~~[school]~~ LEA governing board's bullying, cyber-bullying, hazing, and retaliation policy to
6939 include abusive conduct.

6940 (2) A policy shall:

- 6941 (a) be developed only with input from:
- 6942 (i) students;
- 6943 (ii) parents;
- 6944 (iii) teachers;
- 6945 (iv) school administrators;
- 6946 (v) school staff; or
- 6947 (vi) local law enforcement agencies; and
- 6948 (b) provide protection to a student, regardless of the student's legal status.
- 6949 (3) A policy shall include the following components:
- 6950 (a) definitions of bullying, cyber-bullying, hazing, and abusive conduct that are
- 6951 consistent with this part;
- 6952 (b) language prohibiting bullying, cyber-bullying, hazing, and abusive conduct;
- 6953 (c) language prohibiting retaliation against an individual who reports conduct that is
- 6954 prohibited under this part;
- 6955 (d) language prohibiting making a false report of bullying, cyber-bullying, hazing,
- 6956 abusive conduct, or retaliation;
- 6957 (e) as required in Section [53G-9-604](#), parental notification of:
- 6958 (i) a student's threat to commit suicide; and
- 6959 (ii) an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation,
- 6960 involving the parent's student;
- 6961 (f) a grievance process for a school employee who has experienced abusive conduct;
- 6962 (g) an action plan to address a reported incident of bullying, cyber-bullying, hazing, or
- 6963 retaliation; and
- 6964 (h) a requirement for a signed statement annually, indicating that the individual signing
- 6965 the statement has received the ~~[school]~~ LEA governing board's policy, from each:
- 6966 (i) school employee;
- 6967 (ii) student who is at least eight years old; and
- 6968 (iii) parent ~~[or guardian]~~ of a student enrolled in the charter school or school district.
- 6969 (4) A copy of a policy shall be:
- 6970 (a) included in student conduct handbooks;
- 6971 (b) included in employee handbooks; and

(c) provided to a parent [~~or a guardian~~] of a student enrolled in the charter school or school district[~~;~~ and].

~~[(d) distributed to parents.]~~

(5) A policy may not permit formal disciplinary action that is based solely on an anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.

(6) Nothing in this part is intended to infringe upon the right of a school employee, parent, or student to exercise the right of free speech.

Section 186. Section **53G-9-606** is amended to read:

53G-9-606. Model policy and state board duties.

(1) On or before September 1, 2018, the [~~State Board of Education~~] state board shall:

(a) update the [~~State Board of Education's~~] state board's model policy on bullying, cyber-bullying, hazing, and retaliation to include abusive conduct; and

(b) post the model policy described in Subsection (1)(a) on the [~~State Board of Education~~] state board's website.

(2) The [~~State Board of Education~~] state board shall require a [~~school~~] an LEA governing board to report annually to the [~~State Board of Education~~] state board on:

(a) the [~~school~~] LEA governing board's policy, including implementation of the signed statement requirement described in Subsection **53G-9-605(3)(g)**;

(b) the [~~school~~] LEA governing board's training of school employees relating to bullying, cyber-bullying, hazing, and retaliation described in Section **53G-9-607**; and

(c) other information related to this part, as determined by the [~~State Board of Education~~] state board.

Section 187. Section **53G-9-607** is amended to read:

53G-9-607. Training, education, and prevention -- Standards.

(1) (a) [~~A school~~] An LEA governing board shall include in the training of a school employee training regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation that meets the standards described in Subsection (4).

(b) [~~A school~~] An LEA governing board may offer voluntary training to parents and students regarding abusive conduct.

(2) To the extent that state or federal funding is available for this purpose, [~~school~~] LEA governing boards are encouraged to implement programs or initiatives, in addition to the

training described in Subsection (1), to provide for training and education regarding, and the prevention of, bullying, hazing, abusive conduct, and retaliation.

(3) The programs or initiatives described in Subsection (2) may involve:

(a) the establishment of a bullying task force; or

(b) the involvement of school employees, students, or law enforcement.

(4) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education]~~ The state board shall make rules that establish standards for high quality training related to bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

Section 188. Section **53G-9-702** is amended to read:

53G-9-702. Youth suicide prevention programs required in secondary schools -- State board to develop model programs -- Reporting requirements.

(1) As used in the section:

~~[(a)] "Board" means the State Board of Education.]~~

~~[(b)]~~ (a) "Intervention" means an effort to prevent a student from attempting suicide.

~~[(c)]~~ (b) "Postvention" means mental health intervention after a suicide attempt or death to prevent or contain contagion.

~~[(d)]~~ (c) "Program" means a youth suicide prevention program described in Subsection (2).

~~[(e)]~~ (d) "Public education suicide prevention coordinator" means an individual designated by the state board as described in Subsection (3).

~~[(f)]~~ (e) "Secondary grades":

(i) means grades 7 through 12; and

(ii) if a middle or junior high school includes grade 6, includes grade 6.

~~[(g)]~~ (f) "State suicide prevention coordinator" means the state suicide prevention coordinator described in Section [62A-15-1101](#).

(2) In collaboration with the public education suicide prevention coordinator, a school district or charter school, in the secondary grades of the school district or charter school, shall implement a youth suicide prevention program, which, in collaboration with the training, programs, and initiatives described in Section [53G-9-607](#), shall include programs and training to address:

(a) bullying and cyberbullying, as those terms are defined in Section [53G-9-601](#);

- 7034 (b) prevention of youth suicide;
7035 (c) youth suicide intervention;
7036 (d) postvention for family, students, and faculty;
7037 (e) underage drinking of alcohol;
7038 (f) methods of strengthening the family; and
7039 (g) methods of strengthening a youth's relationships in the school and community.
- 7040 (3) The state board shall:
- 7041 (a) designate a public education suicide prevention coordinator; and
7042 (b) in collaboration with the Department of Health and the state suicide prevention
7043 coordinator, develop model programs to provide to school districts and charter schools:
7044 (i) program training; and
7045 (ii) resources regarding the required components described in Subsection (2)(b).
- 7046 (4) The public education suicide prevention coordinator shall:
7047 (a) oversee the youth suicide prevention programs of school districts and charter
7048 schools;
7049 (b) coordinate prevention and postvention programs, services, and efforts with the state
7050 suicide prevention coordinator; and
7051 (c) award grants in accordance with Section [53F-5-206](#).
- 7052 (5) A public school suicide prevention program may allow school personnel to ask a
7053 student questions related to youth suicide prevention, intervention, or postvention.
- 7054 (6) (a) Subject to legislative appropriation, the state board may distribute money to a
7055 school district or charter school to be used to implement evidence-based practices and
7056 programs, or emerging best practices and programs, for preventing suicide in the school district
7057 or charter school.
- 7058 (b) The state board shall distribute money under Subsection (6)(a) so that each school
7059 that enrolls students in grade 7 or a higher grade receives an allocation of at least \$1,000.
- 7060 (c) (i) A school shall use money allocated to the school under Subsection (6)(b) to
7061 implement evidence-based practices and programs, or emerging best practices and programs,
7062 for preventing suicide.
- 7063 (ii) Each school may select the evidence-based practices and programs, or emerging
7064 best practices and programs, for preventing suicide that the school implements.

(7) (a) The state board shall provide a written report, and shall orally report to the Legislature's Education Interim Committee, by the October 2015 meeting, jointly with the public education suicide prevention coordinator and the state suicide prevention coordinator, on:

(i) the progress of school district and charter school youth suicide prevention programs, including rates of participation by school districts, charter schools, and students;

(ii) the state board's coordination efforts with the Department of Health and the state suicide prevention coordinator;

(iii) the public education suicide prevention coordinator's model program for training and resources related to youth suicide prevention, intervention, and postvention;

(iv) data measuring the effectiveness of youth suicide programs;

(v) funds appropriated to each school district and charter school for youth suicide prevention programs; and

(vi) five-year trends of youth suicides per school, school district, and charter school.

(b) School districts and charter schools shall provide to the state board information that is necessary for the state board's report to the Legislature's Education Interim Committee as required in Subsection (7)(a).

Section 189. Section **53G-9-703** is amended to read:

53G-9-703. Parent education -- Mental health -- Bullying -- Safety.

(1) (a) Except as provided in Subsection (4), a school district shall offer a seminar for parents of students in the school district that:

(i) is offered at no cost to parents;

(ii) begins at or after 6 p.m.;

(iii) is held in at least one school located in the school district; and

(iv) covers the topics described in Subsection (2).

(b) (i) A school district shall annually offer one parent seminar for each 11,000 students enrolled in the school district.

(ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer more than three seminars.

(c) A school district may:

(i) develop its own curriculum for the seminar described in Subsection (1)(a); or

7096 (ii) use the curriculum developed by the [~~State Board of Education~~] state board under
7097 Subsection (2).

7098 (d) A school district shall notify each charter school located in the attendance
7099 boundaries of the school district of the date and time of a parent seminar, so the charter school
7100 may inform parents of the seminar.

7101 (2) The [~~State Board of Education~~] state board shall:

7102 (a) develop a curriculum for the parent seminar described in Subsection (1) that
7103 includes information on:

7104 (i) substance abuse, including illegal drugs and prescription drugs and prevention;

7105 (ii) bullying;

7106 (iii) mental health, depression, suicide awareness, and suicide prevention, including
7107 education on limiting access to fatal means;

7108 (iv) Internet safety, including pornography addiction; and

7109 (v) the School Safety and Crisis Line established in Section [53E-10-502](#); and

7110 (b) provide the curriculum, including resources and training, to school districts upon
7111 request.

7112 (3) The [~~State Board of Education~~] state board shall report to the Legislature's
7113 Education Interim Committee, by the October 2015 meeting, on:

7114 (a) the progress of implementation of the parent seminar;

7115 (b) the number of parent seminars conducted in each school district;

7116 (c) the estimated attendance reported by each school district;

7117 (d) a recommendation of whether to continue the parent seminar program; and

7118 (e) if a local school board has opted out of providing the parent seminar, as described
7119 in Subsection (4), the reasons why a local school board opted out.

7120 (4) (a) A school district is not required to offer the parent seminar if the local school
7121 board determines that the topics described in Subsection (2) are not of significant interest or
7122 value to families in the school district.

7123 (b) If a local school board chooses not to offer the parent seminar, the local school
7124 board shall notify the [~~State Board of Education~~] state board and provide the reasons why the
7125 local school board chose not to offer the parent seminar.

7126 Section 190. Section **53G-9-704** is amended to read:

7127 **53G-9-704. Youth suicide prevention training for employees.**

7128 (1) A school district or charter school shall require a licensed employee to complete a
7129 minimum of two hours of professional development training on youth suicide prevention every
7130 three years.

7131 (2) The state board shall:

7132 (a) develop or adopt sample materials to be used by a school district or charter school
7133 for professional development training on youth suicide prevention; and

7134 (b) [~~in rule made in accordance with Title 63G, Chapter 3, Utah Administrative~~
7135 ~~Rulemaking Act,~~] incorporate in rule the training described in Subsection (1) into professional
7136 development training described in Section [53E-6-201](#).

7137 Section 191. Section **53G-9-801** is amended to read:

7138 **53G-9-801. Definitions.**

7139 As used in Section [53G-9-802](#):

7140 (1) "Attainment goal" means earning:

7141 (a) a high school diploma;

7142 (b) a Utah High School Completion Diploma, as defined in [~~State Board of Education~~]
7143 state board rule;

7144 (c) an Adult Education Secondary Diploma, as defined in [~~State Board of Education~~]
7145 state board rule; or

7146 (d) an employer-recognized, industry-based certificate that is:

7147 (i) likely to result in job placement; and

7148 (ii) included in the [~~State Board of Education's~~] state board's approved career and
7149 technical education industry certification list.

7150 (2) "Cohort" means a group of students, defined by the year in which the group enters
7151 grade 9.

7152 (3) "Designated student" means a student:

7153 (a) (i) who has withdrawn from an LEA before earning a diploma;

7154 (ii) who has been dropped from average daily membership; and

7155 (iii) whose cohort has not yet graduated; or

7156 (b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined
7157 by the student's LEA, using risk factors defined in rules made by the [~~State Board of Education~~]

7158 ~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act]~~ state board.

7159 (4) "Graduation rate" means:

7160 (a) for a school district or a charter school that includes grade 12, the graduation rate
7161 calculated by the ~~[State Board of Education]~~ state board for federal accountability and reporting
7162 purposes; or

7163 (b) for a charter school that does not include grade 12, a proxy graduation rate defined
7164 in rules made by the ~~[State Board of Education in accordance with Title 63G, Chapter 3, Utah
7165 Administrative Rulemaking Act]~~ state board.

7166 (5) "Local education agency" or "LEA" means a school district or charter school that
7167 serves students in grade 9, 10, 11, or 12.

7168 (6) "Nontraditional program" means a program, as defined in rules made by the ~~[State
7169 Board of Education]~~ state board under Subsection [53E-3-501\(1\)\(e\)](#), in which a student receives
7170 instruction through:

7171 (a) distance learning;

7172 (b) online learning;

7173 (c) blended learning; or

7174 (d) competency-based learning.

7175 (7) "Statewide graduation rate" means:

7176 (a) for a school district or a charter school that includes grade 12, the statewide
7177 graduation rate, as annually calculated by the ~~[State Board of Education]~~ state board; or

7178 (b) for a charter school that does not include grade 12, the average graduation rate for
7179 all charter schools that do not include grade 12.

7180 (8) "Third party" means:

7181 (a) a private provider; or

7182 (b) an LEA that does not meet the criteria described in Subsection [53G-9-802\(3\)](#).

7183 Section 192. Section **53G-9-802** is amended to read:

7184 **53G-9-802. Dropout prevention and recovery -- Flexible enrollment options --**
7185 **Contracting -- Reporting.**

7186 (1) (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and
7187 recovery services to a designated student, including:

7188 (i) engaging with or attempting to recover a designated student;

- 7189 (ii) developing a learning plan, in consultation with a designated student, to identify:
7190 (A) barriers to regular school attendance and achievement;
7191 (B) an attainment goal; and
7192 (C) a means for achieving the attainment goal through enrollment in one or more of the
7193 programs described in Subsection (2);
7194 (iii) monitoring a designated student's progress toward reaching the designated
7195 student's attainment goal; and
7196 (iv) providing tiered interventions for a designated student who is not making progress
7197 toward reaching the student's attainment goal.
- 7198 (b) An LEA shall provide the dropout prevention and recovery services described in
7199 Subsection (1)(a):
7200 (i) throughout the calendar year; and
7201 (ii) except as provided in Subsection (1)(c)(i), for each designated student who
7202 becomes a designated student while enrolled in the LEA.
- 7203 (c) (i) A designated student's school district of residence shall provide dropout recovery
7204 services if the designated student:
7205 (A) was enrolled in a charter school that does not include grade 12; and
7206 (B) becomes a designated student in the summer after the student completes academic
7207 instruction at the charter school through the maximum grade level the charter school is eligible
7208 to serve under the charter school's charter agreement as described in Section [53G-5-303](#).
- 7209 (ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include
7210 grade 12 shall notify each of the charter school's student's district of residence, as determined
7211 under Section [53G-6-302](#), when the student completes academic instruction at the charter
7212 school as described in Subsection (1)(c)(i)(B).
- 7213 (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name,
7214 contact information, and student identification number.
- 7215 (2) (a) An LEA shall provide flexible enrollment options for a designated student that:
7216 (i) are tailored to the designated student's learning plan developed under Subsection
7217 (1)(a)(ii); and
7218 (ii) include two or more of the following:
7219 (A) enrollment in the LEA in a traditional program;

7220 (B) enrollment in the LEA in a nontraditional program;
7221 (C) enrollment in a program offered by a private provider that has entered into a
7222 contract with the LEA to provide educational services; or
7223 (D) enrollment in a program offered by another LEA.
7224 (b) A designated student may enroll in:
7225 (i) a program offered by the LEA under Subsection (2)(a), in accordance with this
7226 public education code, rules established by the [~~State Board of Education~~] state board, and
7227 policies established by the LEA;
7228 (ii) the Electronic High School, in accordance with Title 53E, Chapter 10, Part 6,
7229 Electronic High School; or
7230 (iii) the Statewide Online Education Program, in accordance with Title 53F, Chapter 4,
7231 Part 5, Statewide Online Education Program.
7232 (c) An LEA shall make the LEA's best effort to accommodate a designated student's
7233 choice of enrollment under Subsection (2)(b).
7234 (3) Beginning with the 2017-18 school year and except as provided in Subsection (4),
7235 an LEA shall enter into a contract with a third party to provide the dropout prevention and
7236 recovery services described in Subsection (1)(a) for any school year in which the LEA meets
7237 the following criteria:
7238 (a) the LEA's graduation rate is lower than the statewide graduation rate; and
7239 (b) (i) the LEA's graduation rate has not increased by at least 1% on average over the
7240 previous three school years; or
7241 (ii) during the previous calendar year, at least 10% of the LEA's designated students
7242 have not:
7243 (A) reached the students' attainment goals; or
7244 (B) made a year's worth of progress toward the students' attainment goals.
7245 (4) An LEA that is in the LEA's first three years of operation is not subject to the
7246 requirement described in Subsection (3).
7247 (5) An LEA described in Subsection (3) shall ensure that:
7248 (a) a third party with whom the LEA enters into a contract under Subsection (3) has a
7249 demonstrated record of effectiveness engaging with and recovering designated students; and
7250 (b) a contract with a third party requires the third party to:

7251 (i) provide the services described in Subsection (1)(a); and
7252 (ii) regularly report progress to the LEA.
7253 (6) An LEA shall annually submit a report to the [~~State Board of Education~~] state
7254 board on dropout prevention and recovery services provided under this section, including:
7255 (a) the methods the LEA or third party uses to engage with or attempt to recover
7256 designated students under Subsection (1)(a)(i);
7257 (b) the number of designated students who enroll in a program described in Subsection
7258 (2) as a result of the efforts described in Subsection (6)(a);
7259 (c) the number of designated students who reach the designated students' attainment
7260 goals identified under Subsection (1)(a)(ii)(B); and
7261 (d) funding allocated to provide dropout prevention and recovery services.
7262 (7) The [~~State Board of Education~~] state board shall:
7263 (a) ensure that an LEA described in Subsection (3) contracts with a third party to
7264 provide dropout prevention and recovery services in accordance with Subsections (3) and (5);
7265 and
7266 (b) on or before October 30, 2017, and each year thereafter, report to the Education
7267 Interim Committee on the provisions of this section, including a summary of the reports
7268 submitted under Subsection (6).
7269 Section 193. Section **53G-9-803** is amended to read:
7270 **53G-9-803. Remediation programs for secondary students.**
7271 (1) For purposes of this section:
7272 (a) "Secondary school" means a school that provides instruction to students in grades 7,
7273 8, 9, 10, 11, or 12.
7274 (b) "Secondary school student":
7275 (i) means a student enrolled in a secondary school; and
7276 (ii) includes a student in grade 6 if the student attends a secondary school.
7277 (2) A school district or charter school shall implement programs for secondary school
7278 students to attain the competency levels and graduation requirements established by the [~~State~~
7279 ~~Board of Education~~] state board.
7280 (3) (a) A school district or charter school shall establish remediation programs for
7281 secondary school students who do not meet competency levels in English, mathematics,

science, or social studies.

(b) Participation in the programs is mandatory for secondary school students who fail to meet the competency levels based on classroom performance.

(4) Secondary school students who require remediation under this section may not be advanced to the following class in subject sequences until they meet the required competency level for the subject or complete the required remediation program, except that a school district or charter school may allow secondary school students requiring remediation who would otherwise be scheduled to enter their first year of high school to complete their remediation program during that first year.

(5) (a) Remediation programs provided under this section should not be unnecessarily lengthy or repetitive.

(b) A secondary school student need not repeat an entire class if remediation can reasonably be achieved through other means.

(6) A school district or charter school may charge secondary school students a fee to participate in the remediation programs.

Section 194. Section **53G-10-202** is amended to read:

53G-10-202. Maintaining constitutional freedom in the public schools.

(1) Any instructional activity, performance, or display which includes examination of or presentations about religion, political or religious thought or expression, or the influence thereof on music, art, literature, law, politics, history, or any other element of the curriculum, including the comparative study of religions, which is designed to achieve secular educational objectives included within the context of a course or activity and conducted in accordance with applicable rules or policies of the state and ~~[local boards of education]~~ LEA governing boards, may be undertaken in the public schools.

(2) No aspect of cultural heritage, political theory, moral theory, or societal value shall be included within or excluded from public school curricula for the primary reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.

(3) Public schools may not sponsor prayer or religious devotionals.

(4) School officials and employees may not use their positions to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or

7313 viewpoint.

7314 Section 195. Section **53G-10-204** is amended to read:

7315 **53G-10-204. Civic and character education -- Definitions -- Legislative finding --**
7316 **Elements -- Reporting requirements.**

7317 (1) As used in this section:

7318 (a) "Character education" means reaffirming values and qualities of character which
7319 promote an upright and desirable citizenry.

7320 (b) "Civic education" means the cultivation of informed, responsible participation in
7321 political life by competent citizens committed to the fundamental values and principles of
7322 representative democracy in Utah and the United States.

7323 (c) "Values" means time-established principles or standards of worth.

7324 (2) The Legislature recognizes that:

7325 (a) Civic and character education are fundamental elements of the public education
7326 system's core mission as originally intended and established under Article X of the Utah
7327 Constitution;

7328 (b) Civic and character education are fundamental elements of the constitutional
7329 responsibility of public education and shall be a continuing emphasis and focus in public
7330 schools;

7331 (c) the cultivation of a continuing understanding and appreciation of a constitutional
7332 republic and principles of representative democracy in Utah and the United States among
7333 succeeding generations of educated and responsible citizens is important to the nation and
7334 state;

7335 (d) the primary responsibility for the education of children within the state resides with
7336 their parents [~~or guardians~~] and that the role of state and local governments is to support and
7337 assist parents in fulfilling that responsibility;

7338 (e) public schools fulfill a vital purpose in the preparation of succeeding generations of
7339 informed and responsible citizens who are deeply attached to essential democratic values and
7340 institutions; and

7341 (f) the happiness and security of American society relies upon the public virtue of its
7342 citizens which requires a united commitment to a moral social order where self-interests are
7343 willingly subordinated to the greater common good.

(3) Through an integrated curriculum, students shall be taught in connection with regular school work:

- (a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;
- (b) respect for and an understanding of the Declaration of Independence and the constitutions of the United States and of the state of Utah;
- (c) Utah history, including territorial and preterritorial development to the present;
- (d) the essentials and benefits of the free enterprise system;
- (e) respect for parents, home, and family;
- (f) the dignity and necessity of honest labor; and
- (g) other skills, habits, and qualities of character which will promote an upright and desirable citizenry and better prepare students to recognize and accept responsibility for preserving and defending the blessings of liberty inherited from prior generations and secured by the constitution.

(4) Local school boards and school administrators may provide training, direction, and encouragement, as needed, to accomplish the intent and requirements of this section and to effectively emphasize civic and character education in the course of regular instruction in the public schools.

(5) Civic and character education in public schools are:

- (a) not intended to be separate programs in need of special funding or added specialists to be accomplished; and
- (b) core principles which reflect the shared values of the citizens of Utah and the founding principles upon which representative democracy in the United States and the state of Utah are based.

(6) To assist the Commission on Civic and Character Education in fulfilling the commission's duties under Section [67-1a-11](#), by December 30 of each year, each school district and the State Charter School Board shall submit to the lieutenant governor and the commission a report summarizing how civic and character education are achieved in the school district or charter schools through an integrated school curriculum and in the regular course of school work as provided in this section.

(7) Each year, the ~~[State Board of Education]~~ state board shall report to the Education Interim Committee, on or before the October meeting, the methods used, and the results being

achieved, to instruct and prepare students to become informed and responsible citizens through an integrated curriculum taught in connection with regular school work as required in this section.

Section 196. Section **53G-10-205** is amended to read:

53G-10-205. Waivers of participation.

(1) As used in this section[~~:(a) "Parent" means a parent or legal guardian.(b) "School", "school"~~] "school" means a public school.

(2) If a parent of a student, or a secondary student, determines that the student's participation in a portion of the curriculum or in an activity would require the student to affirm or deny a religious belief or right of conscience, or engage or refrain from engaging in a practice forbidden or required in the exercise of a religious right or right of conscience, the parent or the secondary student may request:

- (a) a waiver of the requirement to participate; or
- (b) a reasonable alternative that requires reasonably equivalent performance by the student of the secular objectives of the curriculum or activity in question.

(3) The school shall promptly notify a student's parent if the secondary student makes a request under Subsection (2).

(4) If a request is made under Subsection (2), the school shall:

- (a) waive the participation requirement;
- (b) provide a reasonable alternative to the requirement; or
- (c) notify the requesting party that participation is required.

(5) The school shall ensure that the provisions of Subsection **53G-10-203**(3) are met in connection with any required participation under Subsection (4)(c).

(6) A student's academic or citizenship performance may not be penalized if the secondary student or the student's parent chooses to exercise a religious right or right of conscience in accordance with the provisions of this section.

Section 197. Section **53G-10-302** is amended to read:

53G-10-302. Instruction in American history and government -- Study and posting of American heritage documents.

(1) The Legislature recognizes that a proper understanding of American history and government is essential to good citizenship, and that the public schools are the primary public

7406 institutions charged with responsibility for assisting children and youth in gaining that
7407 understanding.

7408 (2) (a) The [~~State Board of Education~~] state board and local school boards shall
7409 periodically review school curricula and activities to ensure that effective instruction in
7410 American history and government is taking place in the public schools.

7411 (b) The boards shall solicit public input as part of the review process.

7412 (c) Instruction in American history and government shall include a study of:

7413 (i) forms of government, such as a republic, a pure democracy, a monarchy, and an
7414 oligarchy;

7415 (ii) political philosophies and economic systems, such as socialism, individualism, and
7416 free market capitalism; and

7417 (iii) the United States' form of government, a compound constitutional republic.

7418 (3) School curricula and activities shall include a thorough study of historical
7419 documents such as:

7420 (a) the Declaration of Independence;

7421 (b) the United States Constitution;

7422 (c) the national motto;

7423 (d) the pledge of allegiance;

7424 (e) the national anthem;

7425 (f) the Mayflower Compact;

7426 (g) the writings, speeches, documents, and proclamations of the Founders and the
7427 Presidents of the United States;

7428 (h) organic documents from the pre-Colonial, Colonial, Revolutionary, Federalist, and
7429 post Federalist eras;

7430 (i) United States Supreme Court decisions;

7431 (j) Acts of the United States Congress, including the published text of the
7432 Congressional Record; and

7433 (k) United States treaties.

7434 (4) To increase student understanding of, and familiarity with, American historical
7435 documents, public schools may display historically important excerpts from, or copies of, those
7436 documents in school classrooms and common areas as appropriate.

(5) There shall be no content-based censorship of American history and heritage documents referred to in this section due to their religious or cultural nature.

(6) Public schools shall display "In God we trust," which is declared in 36 U.S.C. 302 to be the national motto of the United States, in one or more prominent places within each school building.

Section 198. Section **53G-10-303** is amended to read:

53G-10-303. Teaching of American sign language.

(1) The Legislature recognizes that American sign language is a fully developed, autonomous, natural language with distinct grammar, syntax, and art forms.

(2) American sign language shall be accorded equal status with other linguistic systems in the state's public and higher education systems.

(3) The [~~State Board of Education~~] state board, in consultation with the state's school districts and members of the deaf and hard of hearing community, shall develop and implement policies and procedures for the teaching of American sign language in the state's public education system at least at the middle school or high school level.

(4) A student may count credit received for completion of a course in American sign language at the middle school or high school level toward the satisfaction of a foreign language requirement in the public education system under rules made by the [~~State Board of Education~~] state board.

(5) The State Board of Regents, in consultation with the state's public institutions of higher education and members of the state's deaf and hard of hearing community, shall develop and implement policies and procedures for offering instruction in American sign language in the state's system of higher education.

(6) The Joint Liaison Committee, in consultation with members of the state's deaf and hard of hearing community, shall review any policies and procedures developed under this section and make recommendations to either or both boards regarding the policies.

Section 199. Section **53G-10-304** is amended to read:

53G-10-304. Instruction on the flag of the United States of America.

(1) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education~~] The state board shall provide by rule for a program of instruction within the public schools relating to the flag of the United States.

7468 (2) The instruction shall include the history of the flag, etiquette, customs pertaining to
7469 the display and use of the flag, and other patriotic exercises as provided by 4 U.S.C. Secs. 1 to
7470 10.

7471 (3) (a) The pledge of allegiance to the flag shall be recited once at the beginning of
7472 each day in each public school classroom in the state, led by a student in the classroom, as
7473 assigned by the classroom teacher on a rotating basis.

7474 (b) Each student shall be informed by posting a notice in a conspicuous place that the
7475 student has the right not to participate in reciting the pledge.

7476 (c) A student shall be excused from reciting the pledge upon written request from the
7477 student's parent ~~[or legal guardian]~~.

7478 (d) (i) At least once a year students shall be instructed that:

7479 (A) participation in the pledge of allegiance is voluntary and not compulsory; and

7480 (B) not only is it acceptable for someone to choose not to participate in the pledge of
7481 allegiance for religious or other reasons, but students should show respect for any student who
7482 chooses not to participate.

7483 (ii) A public school teacher shall strive to maintain an atmosphere among students in
7484 the classroom that is consistent with the principles described in Subsection (3)(d)(i).

7485 Section 200. Section **53G-10-305** is amended to read:

7486 **53G-10-305. Financial education information.**

7487 A public school shall provide the following to the parents ~~[or guardian]~~ of a
7488 kindergarten student during kindergarten enrollment:

7489 (1) a financial and economic literacy passport, as defined in Section **53E-3-505**; and

7490 (2) information about higher education savings options, including information about
7491 opening a Utah Educational Savings Plan account.

7492 Section 201. Section **53G-10-402** is amended to read:

7493 **53G-10-402. Instruction in health -- Parental consent requirements -- Conduct**
7494 **and speech of school employees and volunteers -- Political and religious doctrine**
7495 **prohibited.**

7496 (1) As used in this section:

7497 ~~[(a) "Board" means the State Board of Education.]~~

7498 ~~[(b) "Local school board" means:]~~

7499 ~~[(i) a local board of education elected in accordance with Section 53G-4-201; or]~~
7500 ~~[(ii) a charter school governing board, as defined in Section 53G-5-102.]~~
7501 ~~[(c) "Parent" means a parent or legal guardian.]~~
7502 (a) "LEA governing board" means a local school board or charter school governing
7503 board.
7504 ~~[(d)]~~ (b) "Refusal skills" means instruction:
7505 (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or
7506 adult;
7507 (ii) in a student's obligation to stop the student's sexual advances if refused by another
7508 individual;
7509 (iii) informing a student of the student's right to report and seek counseling for
7510 unwanted sexual advances;
7511 (iv) in sexual harassment; and
7512 (v) informing a student that a student may not consent to criminally prohibited
7513 activities or activities for which the student is legally prohibited from giving consent, including
7514 the electronic transmission of sexually explicit images by an individual of the individual or
7515 another.
7516 (2) (a) The state board shall establish curriculum requirements under Section
7517 53E-3-501 that include instruction in:
7518 (i) community and personal health;
7519 (ii) physiology;
7520 (iii) personal hygiene;
7521 (iv) prevention of communicable disease;
7522 (v) refusal skills; and
7523 (vi) the harmful effects of pornography.
7524 (b) (i) That instruction shall stress:
7525 (A) the importance of abstinence from all sexual activity before marriage and fidelity
7526 after marriage as methods for preventing certain communicable diseases; and
7527 (B) personal skills that encourage individual choice of abstinence and fidelity.
7528 (ii) (A) At no time may instruction be provided, including responses to spontaneous
7529 questions raised by students, regarding any means or methods that facilitate or encourage the

violation of any state or federal criminal law by a minor or an adult.

(B) Subsection (2)(b)(ii)(A) does not preclude an instructor from responding to a spontaneous question as long as the response is consistent with the provisions of this section.

(c) (i) The state board shall recommend instructional materials for use in the curricula required under Subsection (2)(a) after considering evaluations of instructional materials by the State Instructional Materials Commission.

(ii) [~~A local school~~] An LEA governing board may choose to adopt:

(A) the instructional materials recommended under Subsection (2)(c)(i); or

(B) other instructional materials as provided in state board rule.

(iii) The state board rule made under Subsection (2)(c)(ii)(B) shall include, at a minimum:

(A) that the materials adopted by [~~a local school~~] an LEA governing board under Subsection (2)(c)(ii)(B) shall be based upon recommendations of the school district's or charter school's Curriculum Materials Review Committee that comply with state law and state board rules emphasizing abstinence before marriage and fidelity after marriage, and prohibiting instruction in:

(I) the intricacies of intercourse, sexual stimulation, or erotic behavior;

(II) the advocacy of premarital or extramarital sexual activity; or

(III) the advocacy or encouragement of the use of contraceptive methods or devices;

(B) that the adoption of instructional materials shall take place in an open and regular meeting of the [~~local school~~] LEA governing board for which prior notice is given to parents of students attending the respective schools and an opportunity for parents to express their views and opinions on the materials at the meeting;

(C) provision for an appeal and review process of the [~~local school~~] LEA governing board's decision; and

(D) provision for a report by the [~~local school~~] LEA governing board to the state board of the action taken and the materials adopted by the [~~local school~~] LEA governing board under Subsections (2)(c)(ii)(B) and (2)(c)(iii).

(3) (a) A student shall receive instruction in the courses described in Subsection (2) on at least two occasions during the period that begins with the beginning of grade 8 and the end of grade 12.

(b) At the request of the state board, the Department of Health shall cooperate with the state board in developing programs to provide instruction in those areas.

(4) (a) The state board shall adopt rules that:

(i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323 are complied with; and

(ii) require a student's parent to be notified in advance and have an opportunity to review the information for which parental consent is required under Sections 76-7-322 and 76-7-323.

(b) The state board shall also provide procedures for disciplinary action for violation of Section 76-7-322 or 76-7-323.

(5) (a) In keeping with the requirements of Section 53G-10-204, and because school employees and volunteers serve as examples to their students, school employees or volunteers acting in their official capacities may not support or encourage criminal conduct by students, teachers, or volunteers.

(b) To ensure the effective performance of school personnel, the limitations described in Subsection (5)(a) also apply to a school employee or volunteer acting outside of the school employee's or volunteer's official capacities if:

(i) the employee or volunteer knew or should have known that the employee's or volunteer's action could result in a material and substantial interference or disruption in the normal activities of the school; and

(ii) that action does result in a material and substantial interference or disruption in the normal activities of the school.

(c) The state board or [~~a local school~~] an LEA governing board may not allow training of school employees or volunteers that supports or encourages criminal conduct.

(d) The state board shall adopt rules implementing this section.

(e) Nothing in this section limits the ability or authority of the state board or [~~a local school~~] an LEA governing board to enact and enforce rules or take actions that are otherwise lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing unfitness for duty.

(6) Except as provided in Section 53G-10-202, political, atheistic, sectarian, religious, or denominational doctrine may not be taught in the public schools.

(7) (a) ~~[A local school board and a local school]~~ An LEA governing board and an LEA governing board's employees shall cooperate and share responsibility in carrying out the purposes of this chapter.

(b) ~~[A local school]~~ An LEA governing board shall provide appropriate professional development for the ~~[local school]~~ LEA governing board's teachers, counselors, and school administrators to enable them to understand, protect, and properly instruct students in the values and character traits referred to in this section and Sections [53E-9-202](#), [53E-9-203](#), [53G-10-202](#), [53G-10-203](#), [53G-10-204](#), and [53G-10-205](#), and distribute appropriate written materials on the values, character traits, and conduct to each individual receiving the professional development.

(c) ~~[A local school]~~ An LEA governing board shall make the written materials described in Subsection (7)(b) available to classified employees, students, and parents of students.

(d) In order to assist ~~[a local school]~~ an LEA governing board in providing the professional development required under Subsection (7)(b), the state board shall, as appropriate, contract with a qualified individual or entity possessing expertise in the areas referred to in Subsection (7)(b) to develop and disseminate model teacher professional development programs that ~~[a local school]~~ an LEA governing board may use to train the individuals referred to in Subsection (7)(b) to effectively teach the values and qualities of character referenced in Subsection (7)(b).

(e) In accordance with the provisions of Subsection (5)(c), professional development may not support or encourage criminal conduct.

(8) ~~[A local school]~~ An LEA governing board shall review every two years:

(a) ~~[local school]~~ LEA governing board policies on instruction described in this section;

(b) for a local school board ~~[of education]~~ of a school district, data for each county that the school district is located in, or, for a charter school governing board, data for the county in which the charter school is located, on the following:

(i) teen pregnancy;

(ii) child sexual abuse; and

(iii) sexually transmitted diseases and sexually transmitted infections; and

(c) the number of pornography complaints or other instances reported within the jurisdiction of the ~~[local school]~~ LEA governing board.

(9) If any one or more provision, subsection, sentence, clause, phrase, or word of this section, or the application thereof to any person or circumstance, is found to be unconstitutional, the balance of this section shall be given effect without the invalid provision, subsection, sentence, clause, phrase, or word.

Section 202. Section **53G-10-403** is amended to read:

53G-10-403. Required parental consent for sex education instruction.

(1) As used in this section:

~~[(a) "Parent" means the same as that term is defined in Section 53G-10-205:]~~

~~[(b)]~~ (a) (i) "Sex education instruction" means any course material, unit, class, lesson, activity, or presentation that, as the focus of the discussion, provides instruction or information to a student about:

(A) sexual abstinence;

(B) human sexuality;

(C) human reproduction;

(D) reproductive anatomy;

(E) physiology;

(F) pregnancy;

(G) marriage;

(H) childbirth;

(I) parenthood;

(J) contraception;

(K) HIV/AIDS;

(L) sexually transmitted diseases; or

(M) refusal skills, as defined in Section 53G-10-402.

(ii) "Sex education instruction" does not include child sexual abuse prevention instruction described in Section 53G-9-207.

~~[(c)]~~ (b) "School" means the same as that term is defined in Section 53G-10-205.

(2) A school shall obtain prior written consent from a student's parent before the school may provide sex education instruction to the student.

(3) If a student's parent chooses not to have the student participate in sex education instruction, a school shall:

(a) waive the requirement for the student to participate in the sex education instruction; or

(b) provide the student with a reasonable alternative to the sex education instruction requirement.

(4) In cooperation with the student's teacher or school, a parent shall take responsibility for the parent's student's sex education instruction if a school:

(a) waives the student's sex education instruction requirement in Subsection (3)(a); or

(b) provides the student with a reasonable alternative to the sex education instruction requirement described in Subsection (3)(b).

(5) A student's academic or citizenship performance may not be penalized if the student's parent chooses not to have the student participate in sex education instruction as described in Subsection (3).

Section 203. Section **53G-10-405** is amended to read:

53G-10-405. Instruction on the harmful effects of alcohol, tobacco, and controlled substances -- Rulemaking authority -- Assistance from the Division of Substance Abuse and Mental Health.

(1) The [~~State Board of Education~~] state board shall adopt rules providing for instruction at each grade level on the harmful effects of alcohol, tobacco, and controlled substances upon the human body and society. The rules shall require but are not limited to instruction on the following:

(a) teaching of skills needed to evaluate advertisements for, and media portrayal of, alcohol, tobacco, and controlled substances;

(b) directing students towards healthy and productive alternatives to the use of alcohol, tobacco, and controlled substances; and

(c) discouraging the use of alcohol, tobacco, and controlled substances.

(2) At the request of the state board, the Division of Substance Abuse and Mental Health shall cooperate with the state board in developing programs to provide this instruction.

(3) The state board shall participate in efforts to enhance communication among community organizations and state agencies, and shall cooperate with those entities in efforts

7685 which are compatible with the purposes of this section.

7686 Section 204. Section **53G-10-406** is amended to read:

7687 **53G-10-406. Underage Drinking Prevention Program -- State board rules.**

7688 (1) As used in this section:

7689 (a) "Advisory council" means the Underage Drinking Prevention Program Advisory
7690 Council created in this section.

7691 ~~[(b) "Board" means the State Board of Education.]~~

7692 ~~[(c) "LEA" means:]~~

7693 ~~[(i) a school district;]~~

7694 ~~[(ii) a charter school; or]~~

7695 ~~[(iii) the Utah Schools for the Deaf and the Blind.]~~

7696 ~~[(d)]~~ (b) "Program" means the Underage Drinking Prevention Program created in this
7697 section.

7698 ~~[(e)]~~ (c) "School-based prevention program" means an evidence-based program
7699 intended for students aged 13 and older that:

7700 (i) is aimed at preventing underage consumption of alcohol;

7701 (ii) is delivered by methods that engage students in storytelling and visualization;

7702 (iii) addresses the behavioral risk factors associated with underage drinking; and

7703 (iv) provides practical tools to address the dangers of underage drinking.

7704 (2) There is created the Underage Drinking Prevention Program that consists of:

7705 (a) a school-based prevention program for students in grade 7 or 8; and

7706 (b) a school-based prevention program for students in grade 9 or 10 that increases
7707 awareness of the dangers of driving under the influence of alcohol.

7708 (3) (a) Beginning with the 2018-19 school year, an LEA shall offer the program each
7709 school year to each student in grade 7 or 8 and grade 9 or 10.

7710 (b) An LEA shall select from the providers qualified by the state board under
7711 Subsection (6) to offer the program.

7712 (4) The state board shall administer the program with input from the advisory council.

7713 (5) There is created the Underage Drinking Prevention Program Advisory Council
7714 comprised of the following members:

7715 (a) the executive director of the Department of Alcoholic Beverage Control or the

7716 executive director's designee;

7717 (b) the executive director of the Department of Health or the executive director's
7718 designee;

7719 (c) the director of the Division of Substance Abuse and Mental Health or the director's
7720 designee;

7721 (d) the director of the Division of Child and Family Services or the director's designee;

7722 (e) the director of the Division of Juvenile Justice Services or the director's designee;

7723 (f) the state superintendent ~~[of public instruction]~~ or the state ~~[superintendent of public~~
7724 ~~instruction's]~~ superintendent's designee; and

7725 (g) two members of the ~~[State Board of Education]~~ state board, appointed by the chair
7726 of the ~~[State Board of Education]~~ state board.

7727 (6) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state
7728 board shall qualify one or more providers to provide the program to an LEA.

7729 (b) In selecting a provider described in Subsection (6)(a), the state board shall consider:

7730 (i) whether the provider's program complies with the requirements described in this
7731 section;

7732 (ii) the extent to which the provider's underage drinking prevention program aligns
7733 with core standards for Utah public schools; and

7734 (iii) the provider's experience in providing a program that is effective at reducing
7735 underage drinking.

7736 (7) (a) The state board shall use money from the Underage Drinking Prevention
7737 Program Restricted Account described in Section ~~53F-9-304~~ for the program.

7738 (b) The state board may use money from the Underage Drinking Prevention Program
7739 Restricted Account to fund up to .5 of a full-time equivalent position to administer the
7740 program.

7741 ~~[(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
7742 ~~the]~~

7743 (8) The state board shall make rules that:

7744 (a) beginning with the 2018-19 school year, require an LEA to offer the Underage
7745 Drinking Prevention Program each school year to each student in grade 7 or 8 and grade 9 or
7746 10; and

7747 (b) establish criteria for the state board to use in selecting a provider described in
7748 Subsection (6).

7749 Section 205. Section **53G-10-501** is amended to read:

7750 **53G-10-501. Definitions.**

7751 ~~[Reserved]~~ As used in this part:

7752 (1) "Driver education" includes classroom instruction and driving and observation in a
7753 dual-controlled motor vehicle.

7754 (2) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor
7755 vehicle under the supervision of a certified instructor.

7756 Section 206. Section **53G-10-502** is amended to read:

7757 **53G-10-502. Driver education established by school districts.**

7758 ~~[(1) As used in this part:]~~

7759 ~~[(a) "Driver education" includes classroom instruction and driving and observation in a~~
7760 ~~dual-controlled motor vehicle.]~~

7761 ~~[(b) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor~~
7762 ~~vehicle under the supervision of a certified instructor.]~~

7763 ~~[(2)]~~ (1) (a) Local school districts may establish and maintain driver education for
7764 pupils.

7765 (b) A school or local school district that provides driver education shall provide an
7766 opportunity for each pupil enrolled in that school or local school district to take the written test
7767 when the pupil is 15 years and nine months of age.

7768 (c) Notwithstanding the provisions of Subsection ~~[(2)]~~ (1)(b), a school or local school
7769 district that provides driver education may provide an opportunity for each pupil enrolled in
7770 that school or school district to take the written test when the pupil is 15 years of age.

7771 ~~[(3)]~~ (2) The purpose of driver education is to help develop the knowledge, attitudes,
7772 habits, and skills necessary for the safe operation of motor vehicles.

7773 ~~[(4)]~~ (3) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking~~
7774 ~~Act, the State Board of Education]~~ The state board shall make rules for driver education
7775 offered in the public schools.

7776 ~~[(5)]~~ (4) The rules under Subsection ~~[(4)]~~ (3) shall:

7777 (a) require at least one hour of classroom training on the subject of railroad crossing

7778 safety for each driver education pupil;

7779 (b) require instruction, based on data and information provided by the Division of Air
7780 Quality, on:

7781 (i) ways drivers can improve air quality; and

7782 (ii) the harmful effects of vehicle emissions; and

7783 (c) establish minimum standards for approved driving ranges under Section

7784 53-3-505.5.

7785 [(6)] (5) The requirements of Section 53-3-505.5 apply to any behind-the-wheel
7786 driving training provided as part of driver education offered under this part and used to satisfy
7787 the driver training requirement under Section 53-3-204.

7788 Section 207. Section 53G-10-503 is amended to read:

7789 **53G-10-503. Driver education funding -- Reimbursement of school districts for**
7790 **driver education class expenses -- Limitations -- Excess funds -- Student fees.**

7791 (1) (a) Except as provided in Subsection (1)(b), a school district that provides driver
7792 education shall fund the program solely through:

7793 (i) funds provided from the Automobile Driver Education Tax Account in the Uniform
7794 School Fund as created under Section 41-1a-1205; and

7795 (ii) student fees collected by each school.

7796 (b) In determining the cost of driver education, a school district may exclude:

7797 (i) the full-time equivalent cost of a teacher for a driver education class taught during
7798 regular school hours; and

7799 (ii) classroom space and classroom maintenance.

7800 (c) A school district may not use any additional school funds beyond those allowed
7801 under Subsection (1)(b) to subsidize driver education.

7802 (2) (a) The state superintendent [~~of public instruction~~] shall, prior to September 2nd
7803 following the school year during which it was expended, or may at earlier intervals during that
7804 school year, reimburse each school district that applied for reimbursement in accordance with
7805 this section.

7806 (b) A school district that maintains driver education classes that conform to this part
7807 and the rules prescribed by the state board may apply for reimbursement for the actual cost of
7808 providing the behind-the-wheel and observation training incidental to those classes.

7809 (3) Under the state board's supervision for driver education, a school district may:

7810 (a) employ personnel who are not licensed by the state board under Section 53E-6-201;

7811 or

7812 (b) contract with private parties or agencies licensed under Section 53-3-504 for the

7813 behind-the-wheel phase of the driver education program.

7814 (4) The reimbursement amount shall be paid out of the Automobile Driver Education

7815 Tax Account in the Uniform School Fund and may not exceed:

7816 (a) \$100 per student who has completed driver education during the school year;

7817 (b) \$30 per student who has only completed the classroom portion in the school or
7818 through the electronic high school during the school year; or

7819 (c) \$70 per student who has only completed the behind-the-wheel and observation
7820 portion in the school during the school year.

7821 (5) If the amount of money in the account at the end of a school year is less than the
7822 total of the reimbursable costs, the state superintendent [~~of public instruction~~] shall allocate the
7823 money to each school district in the same proportion that its reimbursable costs bear to the total
7824 reimbursable costs of all school districts.

7825 (6) If the amount of money in the account at the end of any school year is more than the
7826 total of the reimbursement costs provided under Subsection (4), the state superintendent may
7827 allocate the excess funds to school districts:

7828 (a) to reimburse each school district that applies for reimbursement of the cost of a fee
7829 waived under Section 53G-7-504 for driver education; and

7830 (b) to aid in the procurement of equipment and facilities which reduce the cost of
7831 behind-the-wheel instruction.

7832 (7) A local school board shall establish the student fee for driver education for the
7833 school district. Student fees shall be reasonably associated with the costs of driver education
7834 that are not otherwise covered by reimbursements and allocations made under this section.

7835 Section 208. Section 53G-10-505 is amended to read:

7836 **53G-10-505. Reports as to costs of driver training programs.**

7837 A local school board seeking reimbursement shall, at the end of each school year and at
7838 other times as designated by the [~~State Board of Education~~] state board, report the following to
7839 the state superintendent [~~of public instruction~~]:

7840 (1) the costs of providing driver education including a separate accounting for:
7841 (a) course work; and
7842 (b) behind-the-wheel and observation training to students;
7843 (2) the costs of fees waived under Section 53G-7-504 for driver education including a
7844 separate accounting for:

7845 (a) course work; and
7846 (b) behind-the-wheel and observation training to students;
7847 (3) the number of students who completed driver education including a separate
7848 accounting for:
7849 (a) course work; and
7850 (b) behind-the-wheel and observation training to students;
7851 (4) whether or not a passing grade was received; and
7852 (5) any other information the [~~State Board of Education~~] state board may require for
7853 the purpose of administering this program.

7854 Section 209. Section 53G-10-506 is amended to read:

7855 **53G-10-506. Promoting the establishment and maintenance of classes -- Payment**
7856 **of costs.**

7857 (1) The state superintendent [~~of public instruction~~] shall promote the establishment and
7858 maintenance of driver education classes in school districts under rules adopted by the [~~State~~
7859 ~~Board of Education~~] state board.

7860 (2) The state board may employ personnel and sponsor experimental programs
7861 considered necessary to give full effect to this program.

7862 (3) The costs of implementing this section shall be paid from the legislative
7863 appropriation to the state board made from the Automobile Driver Education Tax Account in
7864 the Uniform School Fund.

7865 Section 210. Section 53G-10-507 is amended to read:

7866 **53G-10-507. Driver education teachers certified as license examiners.**

7867 (1) The Driver License Division of the Department of Public Safety and the [~~State~~
7868 ~~Board of Education~~] state board shall establish procedures and standards to certify teachers of
7869 driver education classes under this part to administer written and driving tests.

7870 (2) The division is the certifying authority.

7871 (3) (a) A teacher certified under this section shall give written and driving tests
7872 designed for driver education classes authorized under this part.

7873 (b) The Driver License Division shall, in conjunction with the [~~State Board of~~
7874 ~~Education~~] state board, establish minimal standards for the driver education class tests that are
7875 at least as difficult as those required to receive a class D operator's license under Title 53,
7876 Chapter 3, Uniform Driver License Act.

7877 (c) A student who passes the written test but fails the driving test given by a teacher
7878 certified under this section may apply for a learner permit or class D operator's license under
7879 Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver
7880 License Division office.

7881 (4) A student shall have a learner permit issued by the Driver License Division under
7882 Section 53-3-210.5 in the student's immediate possession at all times when operating a motor
7883 vehicle under this section.

7884 (5) A student who successfully passes the tests given by a certified driver education
7885 teacher under this section satisfies the written and driving parts of the test required for a learner
7886 permit or class D operator's license.

7887 (6) The Driver License Division and the [~~State Board of Education~~] state board shall
7888 establish procedures to enable school districts to administer or process any tests for students to
7889 receive a learner permit or class D operator's license.

7890 (7) The division and state board shall establish the standards and procedures required
7891 under this section by rules [~~made in accordance with Title 63G, Chapter 3, Utah Administrative~~
7892 ~~Rulemaking Act~~].

7893 Section 211. Section **53G-10-508** is amended to read:

7894 **53G-10-508. Programs authorized -- Minimum standards.**

7895 (1) Local school districts may:

7896 (a) allow students to complete the classroom training portion of driver education
7897 through the following programs:

7898 (i) home study; or

7899 (ii) the electronic high school;

7900 (b) provide each parent with driver education instructional materials to assist in parent
7901 involvement with driver education including behind-the-wheel driving materials;

(c) offer driver education outside of school hours in order to reduce the cost of providing driver education;

(d) offer driver education through community education programs;

(e) offer the classroom portion of driver education in the public schools and allow the student to complete the behind-the-wheel portion with a private provider:

(i) licensed under Section 53-3-504; and

(ii) not associated with the school or under contract with the school under Subsection 53G-10-503(3); or

(f) any combination of Subsections (1)(a) through (e).

(2) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education]~~ The state board shall establish in rule minimum standards for the school-related programs under Subsection (1).

Section 212. Section 53G-11-203 is amended to read:

53G-11-203. Health insurance mandates.

A local school board and ~~[the governing body of]~~ a charter school governing board shall include in a health plan it offers to school district employees, or charter school employees insurance mandates in accordance with Section 31A-22-605.5.

Section 213. Section 53G-11-205 is amended to read:

**53G-11-205. Education employee associations -- Equal participation --
Prohibition on endorsement or preferential treatment -- Naming of school breaks.**

(1) As used in this section:

(a) "Education employee association" includes teacher associations, teacher unions, teacher organizations, and classified education employees' associations.

(b) "School" means a school district, a school in a school district, a charter school, or the ~~[State Board of Education]~~ state board and its employees.

(2) A school shall allow education employee associations equal access to the following activities:

(a) distribution of information in or access to teachers' or employees' physical or electronic mailboxes, including email accounts that are provided by the school; and

(b) membership solicitation activities at new teacher or employee orientation training or functions.

(3) If a school permits an education employee association to engage in any of the activities described in Subsection (2), the school shall permit all other education employee associations to engage in the activity on the same terms and conditions afforded to the education employee association.

(4) It is unlawful for a school to:

(a) establish or maintain structures, procedures, or policies that favor one education employee association over another or otherwise give preferential treatment to an education employee association; or

(b) explicitly or implicitly endorse any education employee association.

(5) A school's calendars and publications may not include or refer to the name of any education employee association in relation to any day or break in the school calendar.

Section 214. Section **53G-11-207** is amended to read:

53G-11-207. Collective bargaining agreement -- Website posting.

(1) As used in this section, "collective bargaining agreement" includes:

(a) a master agreement; and

(b) an amendment, addendum, memorandum, or other document modifying the master agreement.

~~[(2) The board of education of a school district:]~~

(2) A local school board:

(a) shall post on the school district's website a collective bargaining agreement entered into by the ~~[board of education]~~ local school board within 10 days of the ratification of the agreement; and

(b) may remove from the school district's website a collective bargaining agreement that is no longer in effect.

~~[(3) The governing board of a charter school:]~~

(3) A charter school governing board:

(a) shall post on the charter school's website a collective bargaining agreement entered into by the charter school governing board ~~[of the charter school]~~ within 10 days of the ratification of the agreement; and

(b) may remove from the charter school's website a collective bargaining agreement that is no longer in effect.

Section 215. Section **53G-11-303** is amended to read:

53G-11-303. Professional learning standards.

(1) As used in this section, "professional learning" means a comprehensive, sustained, and evidence-based approach to improving teachers' and principals' effectiveness in raising student achievement.

(2) A school district or charter school shall implement high quality professional learning that meets the following standards:

(a) professional learning occurs within learning communities committed to continuous improvement, individual and collective responsibility, and goal alignment;

(b) professional learning requires skillful leaders who develop capacity, advocate, and create support systems, for professional learning;

(c) professional learning requires prioritizing, monitoring, and coordinating resources for educator learning;

(d) professional learning uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;

(e) professional learning integrates theories, research, and models of human learning to achieve its intended outcomes;

(f) professional learning applies research on change and sustains support for implementation of professional learning for long-term change;

(g) professional learning aligns its outcomes with:

(i) performance standards for teachers and school administrators as described in rules of the ~~[State Board of Education]~~ state board; and

(ii) performance standards for students as described in the core standards for Utah public schools adopted by the ~~[State Board of Education]~~ state board pursuant to Section [53E-4-202](#); and

(h) professional learning:

(i) incorporates the use of technology in the design, implementation, and evaluation of high quality professional learning practices; and

(ii) includes targeted professional learning on the use of technology devices to enhance the teaching and learning environment and the integration of technology in content delivery.

(3) School districts and charter schools shall use money appropriated by the Legislature

for professional learning or federal grant money awarded for professional learning to implement professional learning that meets the standards specified in Subsection (2).

(4) (a) In the fall of 2014, the [~~State Board of Education~~] state board, through the state superintendent [~~of public instruction~~], and in collaboration with an independent consultant acquired through a competitive bid process, shall conduct a statewide survey of school districts and charter schools to:

(i) determine the current state of professional learning for educators as aligned with the standards specified in Subsection (2);

(ii) determine the effectiveness of current professional learning practices; and

(iii) identify resources to implement professional learning as described in Subsection (2).

(b) The [~~State Board of Education~~] state board shall select a consultant from bidders who have demonstrated successful experience in conducting a statewide analysis of professional learning.

(c) (i) Annually in the fall, beginning in 2015 through 2020, the [~~State Board of Education~~] state board, through the state superintendent [~~of public instruction~~], in conjunction with school districts and charter schools, shall gather and use data to determine the impact of professional learning efforts and resources.

(ii) Data used to determine the impact of professional learning efforts and resources under Subsection (4)(c)(i) shall include:

(A) student achievement data;

(B) educator evaluation data; and

(C) survey data.

Section 216. Section **53G-11-401** is amended to read:

53G-11-401. Definitions.

As used in this part:

(1) "Authorized entity" means an LEA, qualifying private school, or the [~~State Board of Education~~] state board that is authorized to request a background check and ongoing monitoring under this part.

(2) "Bureau" means the Bureau of Criminal Identification within the Department of Public Safety created in Section [53-10-201](#).

8026 (3) "Contract employee" means an employee of a staffing service or other entity who
8027 works at a public or private school under a contract.

8028 (4) "FBI" means the Federal Bureau of Investigation.

8029 (5) (a) "License applicant" means an applicant for a license issued by the [~~State Board~~
8030 ~~of Education~~] state board under Title 53E, Chapter 6, Education Professional Licensure.

8031 (b) "License applicant" includes an applicant for reinstatement of an expired, lapsed,
8032 suspended, or revoked license.

8033 [~~(6) "Local education agency" or "LEA" means a school district, charter school, or the~~
8034 ~~Utah Schools for the Deaf and the Blind.~~]

8035 [~~(7)~~] (6) "Non-licensed employee" means an employee of an LEA or qualifying private
8036 school that does not hold a current Utah educator license issued by the [~~State Board of~~
8037 ~~Education~~] state board under Title 53E, Chapter 6, Education Professional Licensure.

8038 [~~(8)~~] (7) "Personal identifying information" means:

8039 (a) current name, former names, nicknames, and aliases;

8040 (b) date of birth;

8041 (c) address;

8042 (d) telephone number;

8043 (e) driver license number or other government-issued identification number;

8044 (f) social security number; and

8045 (g) fingerprints.

8046 [~~(9)~~] (8) "Qualifying private school" means a private school that:

8047 (a) enrolls students under Title 53F, Chapter 4, Part 3, Carson Smith Scholarship
8048 Program; and

8049 (b) is authorized to conduct fingerprint-based background checks of national crime
8050 information databases under the Adam Walsh Child Protection and Safety Act of 2006, Pub. L.
8051 No. 109-248.

8052 [~~(10)~~] (9) "Rap back system" means a system that enables authorized entities to receive
8053 ongoing status notifications of any criminal history reported on individuals whose fingerprints
8054 are registered in the system.

8055 [~~(11)~~] (10) "WIN Database" means the Western Identification Network Database that
8056 consists of eight western states sharing one electronic fingerprint database.

8057 Section 217. Section **53G-11-403** is amended to read:

8058 **53G-11-403. Background checks for licensed educators.**

8059 The [~~State Board of Education~~] state board shall:

8060 (1) require a license applicant to submit to a nationwide criminal background check
8061 and ongoing monitoring as a condition for licensing;

8062 (2) collect the following from an applicant:

8063 (a) personal identifying information;

8064 (b) a fee described in Subsection **53-10-108**(15); and

8065 (c) consent, on a form specified by the [~~State Board of Education~~] state board, for:

8066 (i) an initial fingerprint-based background check by the FBI and bureau upon
8067 submission of the application;

8068 (ii) retention of personal identifying information for ongoing monitoring through
8069 registration with the systems described in Section **53G-11-404**; and

8070 (iii) disclosure of any criminal history information to the individual's employing LEA
8071 or qualifying private school;

8072 (3) submit an applicant's personal identifying information to the bureau for:

8073 (a) an initial fingerprint-based background check by the FBI and bureau; and

8074 (b) ongoing monitoring through registration with the systems described in Section
8075 **53G-11-404** if the results of the initial background check do not contain disqualifying criminal
8076 history information as determined by the [~~State Board of Education~~] state board in accordance
8077 with Section **53G-11-405**;

8078 (4) identify the appropriate privacy risk mitigation strategy that will be used to ensure
8079 that the [~~State Board of Education~~] state board only receives notifications for individuals with
8080 whom the [~~State Board of Education~~] state board maintains an authorizing relationship;

8081 (5) notify the employing LEA or qualifying private school upon receipt of any criminal
8082 history information reported on a licensed educator employed by the LEA or qualifying private
8083 school; and

8084 (6) (a) collect the information described in Subsection (2) from individuals who were
8085 licensed prior to July 1, 2015, by the individual's next license renewal date; and

8086 (b) submit the information to the bureau for ongoing monitoring through registration
8087 with the systems described in Section **53G-11-404**.

8088 Section 218. Section **53G-11-404** is amended to read:

8089 **53G-11-404. Bureau responsibilities.**

8090 The bureau shall:

8091 (1) upon request from an authorized entity, register the fingerprints submitted by the
8092 authorized entity as part of a background check with:

8093 (a) the WIN Database rap back system, or any successor system; and

8094 (b) the rap back system maintained by the Federal Bureau of Investigation;

8095 (2) notify an authorized entity when a new entry is made against an individual whose
8096 fingerprints are registered with the rap back systems described in Subsection (1) regarding:

8097 (a) an alleged offense; or

8098 (b) a conviction, including a plea in abeyance;

8099 (3) assist authorized entities to identify the appropriate privacy risk mitigation strategy
8100 that is to be used to ensure that the authorized entity only receives notifications for individuals
8101 with whom the authorized entity maintains an authorizing relationship; and

8102 (4) collaborate with the [~~State Board of Education~~] state board to provide training to
8103 authorized entities on the notification procedures and privacy risk mitigation strategies
8104 described in this part.

8105 Section 219. Section **53G-11-405** is amended to read:

8106 **53G-11-405. Due process for individuals--Review of criminal history information.**

8107 (1) (a) In accordance with Section [53-10-108](#), an authorized entity shall provide an
8108 individual an opportunity to review and respond to any criminal history information received
8109 under this part.

8110 (b) If an authorized entity decides to disqualify an individual as a result of criminal
8111 history information received under this part, an individual may request a review of:

8112 (i) information received; and

8113 (ii) the reasons for the disqualification.

8114 (c) An authorized entity shall provide an individual described in Subsection (1)(b) with
8115 written notice of:

8116 (i) the reasons for the disqualification; and

8117 (ii) the individual's right to request a review of the disqualification.

8118 (2) (a) An LEA or qualifying private school shall make decisions regarding criminal

8119 history information for the individuals subject to the background check requirements under
8120 Section **53G-11-402** in accordance with:

- 8121 (i) Subsection (3);
8122 (ii) administrative procedures established by the LEA or qualifying private school; and
8123 (iii) rules established by the [~~State Board of Education~~] state board.

8124 (b) The [~~State Board of Education~~] state board shall make decisions regarding criminal
8125 history information for licensed educators in accordance with:

- 8126 (i) Subsection (3);
8127 (ii) Title 53E, Chapter 6, Education Professional Licensure; and
8128 (iii) rules established by the [~~State Board of Education~~] state board.

8129 (3) When making decisions regarding initial employment, initial licensing, or initial
8130 appointment for the individuals subject to background checks under this part, an authorized
8131 entity shall consider:

- 8132 (a) any convictions, including pleas in abeyance;
8133 (b) any matters involving a felony; and
8134 (c) any matters involving an alleged:
8135 (i) sexual offense;
8136 (ii) class A misdemeanor drug offense;
8137 (iii) offense against the person under Title 76, Chapter 5, Offenses Against the Person;
8138 (iv) class A misdemeanor property offense that is alleged to have occurred within the

8139 previous three years; and

- 8140 (v) any other type of criminal offense, if more than one occurrence of the same type of
8141 offense is alleged to have occurred within the previous eight years.

8142 Section 220. Section **53G-11-406** is amended to read:

8143 **53G-11-406. Self-reporting requirement.**

8144 (1) Individuals subject to the background check requirements under this part shall
8145 self-report conviction, arrest, or offense information in accordance with rules established by the
8146 [~~State Board of Education~~] state board.

8147 (2) An LEA shall report conviction, arrest, or offense information received from
8148 licensed educators under Subsection (1) to the [~~State Board of Education~~] state board in
8149 accordance with rules established by the [~~State Board of Education~~] state board.

8150 Section 221. Section **53G-11-407** is amended to read:

8151 **53G-11-407. Update criminal background check rules and policies.**

8152 On or before September 1, 2015:

8153 (1) the [~~State Board of Education~~] state board shall update the [~~State Board of~~
8154 ~~Education's~~] state board's criminal background check rules consistent with this part; and

8155 (2) an LEA shall update the LEA's criminal background check policies consistent with
8156 this part.

8157 Section 222. Section **53G-11-408** is amended to read:

8158 **53G-11-408. Training provided to authorized entities.**

8159 The [~~State Board of Education~~] state board shall collaborate with the bureau to provide
8160 training to authorized entities on the provisions of this part.

8161 Section 223. Section **53G-11-501** is amended to read:

8162 **53G-11-501. Definitions.**

8163 As used in this part:

8164 (1) "Administrator" means an individual who supervises educators and holds an
8165 appropriate license issued by the [~~State Board of Education~~] state board.

8166 (2) "Career educator" means a licensed employee who has a reasonable expectation of
8167 continued employment under the policies of a local school board.

8168 (3) "Career employee" means an employee of a school district who has obtained a
8169 reasonable expectation of continued employment based upon Section **53G-11-503** and an
8170 agreement with the employee or the employee's association, district practice, or policy.

8171 (4) "Contract term" or "term of employment" means the period of time during which an
8172 employee is engaged by the school district under a contract of employment, whether oral or
8173 written.

8174 (5) "Dismissal" or "termination" means:

8175 (a) termination of the status of employment of an employee;

8176 (b) failure to renew or continue the employment contract of a career employee beyond
8177 the then-current school year;

8178 (c) reduction in salary of an employee not generally applied to all employees of the
8179 same category employed by the school district during the employee's contract term; or

8180 (d) change of assignment of an employee with an accompanying reduction in pay,

8181 unless the assignment change and salary reduction are agreed to in writing.

8182 (6) "Educator" means an individual employed by a school district who is required to
8183 hold a professional license issued by the ~~[State Board of Education]~~ state board, except:

8184 (a) a superintendent; or

8185 (b) an individual who works less than ~~[three]~~ three hours per day or is hired for less
8186 than half of a school year.

8187 (7) (a) "Employee" means a career or provisional employee of a school district, except
8188 as provided in Subsection (7)(b).

8189 (b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not
8190 include:

8191 (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the
8192 Blind;

8193 (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf
8194 and the Blind; or

8195 (iii) a temporary employee.

8196 (8) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates
8197 the termination of an employee who started to work for a district most recently before
8198 terminating a more senior employee.

8199 ~~[(9)] "Probationary educator" means an educator employed by a school district who,~~
8200 ~~under local school board policy, has been advised by the school district that the educator's~~
8201 ~~performance is inadequate.]~~

8202 ~~[(10)]~~ (9) "Provisional educator" means an educator employed by a school district who
8203 has not achieved status as a career educator within the school district.

8204 ~~[(11)]~~ (10) "Provisional employee" means an individual, other than a career employee
8205 or a temporary employee, who is employed by a school district.

8206 ~~[(12)]~~ (11) "School board" or "board" means a ~~[district]~~ local school board or, for the
8207 Utah Schools for the Deaf and the Blind, the ~~[State Board of Education]~~ state board.

8208 ~~[(13)]~~ (12) "School district" or "district" means:

8209 (a) a public school district; or

8210 (b) the Utah Schools for the Deaf and the Blind.

8211 ~~[(14)]~~ (13) "Summative evaluation" means the annual evaluation that summarizes an

8212 educator's performance during a school year and that is used to make decisions related to the
8213 educator's employment.

8214 ~~[(15)]~~ (14) "Temporary employee" means an individual who is employed on a
8215 temporary basis as defined by policies adopted by the ~~[local]~~ school board ~~[of education]~~. If
8216 the class of employees in question is represented by an employee organization recognized by
8217 the ~~[local]~~ school board, the school board shall adopt the school board's policies based upon an
8218 agreement with that organization. Temporary employees serve at will and have no expectation
8219 of continued employment.

8220 ~~[(16)]~~ (15) (a) "Unsatisfactory performance" means a deficiency in performing work
8221 tasks that may be:

8222 (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and
8223 (ii) remediated through training, study, mentoring, or practice.

8224 (b) "Unsatisfactory performance" does not include the following conduct that is
8225 designated as a cause for termination under Section [53G-11-512](#) or a reason for license
8226 discipline by the ~~[State Board of Education]~~ state board or Utah Professional Practices
8227 Advisory Commission:

8228 (i) a violation of work ~~[rules]~~ policies;

8229 (ii) a violation of ~~[local]~~ school board policies, ~~[State Board of Education]~~ state board
8230 rules, or law;

8231 (iii) a violation of standards of ethical, moral, or professional conduct; or

8232 (iv) insubordination.

8233 Section 224. Section **53G-11-501.5** is amended to read:

8234 **53G-11-501.5. Legislative findings.**

8235 (1) The Legislature finds that the effectiveness of public educators can be improved
8236 and enhanced by providing specific feedback and support for improvement through a
8237 systematic, fair, and competent annual evaluation and remediation of public educators whose
8238 performance is inadequate.

8239 (2) The ~~[State Board of Education]~~ state board and each local school board shall
8240 implement Sections [53G-11-501](#), [53G-11-506](#), [53G-11-507](#), [53G-11-508](#), [53G-11-509](#),
8241 [53G-11-510](#), and [53G-11-511](#) in accordance with Subsections [53E-2-302](#)(7) and
8242 [53E-6-103](#)(2)(a) and (b), to:

8243 (a) allow the educator and the school district to promote the professional growth of the
8244 educator; and

8245 (b) identify and encourage quality instruction in order to improve student academic
8246 growth.

8247 Section 225. Section **53G-11-504** is amended to read:

8248 **53G-11-504. Evaluation of employee performance.**

8249 (1) Except as provided in Subsection (2), a local school board shall require that the
8250 performance of each school district employee be evaluated annually in accordance with rules of
8251 the [~~State Board of Education~~] state board adopted in accordance with this part [~~and Title 63G,~~
8252 ~~Chapter 3, Utah Administrative Rulemaking Act~~].

8253 (2) Rules adopted by the [~~State Board of Education~~] state board under Subsection (1)
8254 may include an exemption from annual performance evaluations for a temporary employee or a
8255 part-time employee.

8256 Section 226. Section **53G-11-505** is amended to read:

8257 **53G-11-505. State board rules -- Reporting to Legislature.**

8258 (1) Subject to Sections **53G-11-506**, **53G-11-507**, **53G-11-508**, **53G-11-509**,
8259 **53G-11-510**, and **53G-11-511**, rules adopted by the [~~State Board of Education~~] state board
8260 under Section **53G-11-504** shall:

8261 (a) provide general guidelines, requirements, and procedures for the development and
8262 implementation of employee evaluations;

8263 (b) establish required components and allow for optional components of employee
8264 evaluations;

8265 (c) require school districts to choose valid and reliable methods and tools to implement
8266 the evaluations; and

8267 (d) establish a timeline for school districts to implement employee evaluations.

8268 (2) The [~~State Board of Education~~] state board shall report to the Education Interim
8269 Committee, as requested, on progress in implementing employee evaluations in accordance
8270 with this section and Sections **53G-11-504**, **53G-11-506**, **53G-11-507**, **53G-11-508**,
8271 **53G-11-509**, **53G-11-510**, and **53G-11-511**.

8272 Section 227. Section **53G-11-506** is amended to read:

8273 **53G-11-506. Establishment of educator evaluation program -- Joint committee.**

8274 (1) A local school board shall develop an educator evaluation program in consultation
8275 with its joint committee.

8276 (2) The joint committee described in Subsection (1) shall consist of an equal number of
8277 classroom teachers, parents, and administrators appointed by the local school board.

8278 (3) A local school board may appoint members of the joint committee from a list of
8279 nominees:

8280 (a) voted on by classroom teachers in a nomination election;

8281 (b) voted on by the administrators in a nomination election; and

8282 (c) of parents submitted by school community councils within the district.

8283 (4) Subject to Subsection (5), the joint committee may:

8284 (a) adopt or adapt an evaluation program for educators based on a model developed by
8285 the ~~[State Board of Education]~~ state board; or

8286 (b) create the local school board's own evaluation program for educators.

8287 (5) The evaluation program developed by the joint committee shall comply with the
8288 requirements of Sections [53G-11-507](#) through [53G-11-511](#) and rules adopted by the ~~[State~~
8289 ~~Board of Education]~~ state board under Section [53G-11-510](#).

8290 Section 228. Section **53G-11-507** is amended to read:

8291 **53G-11-507. Components of educator evaluation program.**

8292 (1) A local school board in consultation with a joint committee established in Section
8293 [53G-11-506](#) shall adopt a reliable and valid educator evaluation program that evaluates
8294 educators based on educator professional standards established by the ~~[State Board of~~
8295 ~~Education]~~ state board and includes:

8296 (a) a systematic annual evaluation of all provisional, probationary, and career
8297 educators;

8298 (b) use of multiple lines of evidence, including:

8299 (i) self-evaluation;

8300 (ii) student and parent input;

8301 (iii) for an administrator, employee input;

8302 (iv) a reasonable number of supervisor observations to ensure adequate reliability;

8303 (v) evidence of professional growth and other indicators of instructional improvement
8304 based on educator professional standards established by the ~~[State Board of Education]~~ state

8305 board; and

8306 (vi) student academic growth data;

8307 (c) a summative evaluation that differentiates among four levels of performance; and

8308 (d) for an administrator, the effectiveness of evaluating employee performance in a

8309 school or school district for which the administrator has responsibility.

8310 (2) (a) An educator evaluation program described in Subsection (1) may include a

8311 reasonable number of peer observations.

8312 (b) An educator evaluation program described in Subsection (1) may not use

8313 end-of-level assessment scores in educator evaluation.

8314 Section 229. Section **53G-11-508** is amended to read:

8315 **53G-11-508. Summative evaluation timelines -- Review of summative evaluations.**

8316 (1) The person responsible for administering an educator's summative evaluation shall:

8317 (a) at least 15 days before an educator's first evaluation:

8318 (i) notify the educator of the evaluation process; and

8319 (ii) give the educator a copy of the evaluation instrument, if an instrument is used;

8320 (b) allow the educator to respond to any part of the evaluation;

8321 (c) attach the educator's response to the evaluation if the educator's response is

8322 provided in writing;

8323 (d) within 15 days after the evaluation process is completed, discuss the written

8324 evaluation with the educator; and

8325 (e) based upon the educator's performance, assign to the educator one of the four levels

8326 of performance described in Section **53G-11-507**.

8327 (2) An educator who is not satisfied with a summative evaluation may request a review

8328 of the evaluation within 15 days after receiving the written evaluation.

8329 (3) (a) If a review is requested in accordance with Subsection (2), the school district

8330 superintendent or the superintendent's designee shall appoint a person not employed by the

8331 school district who has expertise in teacher or personnel evaluation to review the evaluation

8332 procedures and make recommendations to the superintendent regarding the educator's

8333 summative evaluation.

8334 (b) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

8335 ~~the State Board of Education~~] The state board shall make rules prescribing standards for an

8336 independent review of an educator's summative evaluation.

8337 (c) A review of an educator's summative evaluation under Subsection (3)(a) shall be
8338 conducted in accordance with [~~State Board of Education~~] state board rules made under
8339 Subsection (3)(b).

8340 Section 230. Section **53G-11-510** is amended to read:

8341 **53G-11-510. State board to describe a framework for the evaluation of educators.**

8342 (1) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
8343 ~~the State Board of Education~~] The state board shall make rules:

8344 (a) describing a framework for the evaluation of educators that is consistent with the
8345 requirements of Part 3, Licensed Employee Requirements, and Sections **53G-11-506**,
8346 **53G-11-507**, **53G-11-508**, **53G-11-509**, **53G-11-510**, and **53G-11-511**; and

8347 (b) requiring an educator's summative evaluation to be based on:

8348 (i) educator professional standards established by the [~~State Board of Education~~] state
8349 board; and

8350 (ii) the requirements described in Subsection **53G-11-507**(1).

8351 (2) The rules described in Subsection (1) shall prohibit the use of end-of-level
8352 assessment scores in educator evaluation.

8353 Section 231. Section **53G-11-511** is amended to read:

8354 **53G-11-511. Report of performance levels.**

8355 (1) A school district shall report to the [~~State Board of Education~~] state board the
8356 number and percent of educators in each of the four levels of performance assigned under
8357 Section **53G-11-508**.

8358 (2) The data reported under Subsection (1) shall be separately reported for the
8359 following educator classifications:

8360 (a) administrators;

8361 (b) teachers, including separately reported data for provisional teachers and career
8362 teachers; and

8363 (c) other classifications or demographics of educators as determined by the [~~State~~
8364 ~~Board of Education~~] state board.

8365 (3) The state superintendent shall include the data reported by school districts under
8366 this section in the state superintendent's annual report of the public school system required by

8367 Section [53E-3-301](#).

8368 (4) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
8369 ~~the State Board of Education~~] The state board shall make rules to ensure the privacy and
8370 protection of individual evaluation data.

8371 Section 232. Section **53G-11-512** is amended to read:

8372 **53G-11-512. LEA governing board to establish dismissal procedures.**

8373 (1) A local school board shall, by contract with its employees or their associations, or
8374 by resolution of the local school board, establish procedures for dismissal of employees in an
8375 orderly manner without discrimination.

8376 (2) The procedures shall include:

8377 (a) standards of due process;

8378 (b) causes for dismissal; and

8379 (c) procedures and standards related to developing and implementing a plan of
8380 assistance for a career employee whose performance is unsatisfactory.

8381 (3) Procedures and standards for a plan of assistance adopted under Subsection (2)(c)
8382 shall require a plan of assistance to identify:

8383 (a) specific, measurable, and actionable deficiencies;

8384 (b) the available resources provided for improvement; and

8385 (c) a course of action to improve employee performance.

8386 (4) If a career employee exhibits both unsatisfactory performance as described in
8387 Subsection [53G-11-501](#)(16)(a) and conduct described in Subsection [53G-11-501](#)(16)(b), an
8388 employer:

8389 (a) may:

8390 (i) attempt to remediate the conduct of the career employee; or

8391 (ii) terminate the career employee for cause if the conduct merits dismissal consistent
8392 with procedures established by the local school board; and

8393 (b) is not required to develop and implement a plan of assistance for the career
8394 employee, as provided in Section [53G-11-514](#).

8395 (5) If the conduct of a career employee described in Subsection (4) is satisfactorily
8396 remediated, and unsatisfactory performance issues remain, an employer shall develop and
8397 implement a plan of assistance for the career employee, as provided in Section [53G-11-514](#).

8398 (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily
8399 remediated, an employer:

8400 (a) may dismiss the career employee for cause in accordance with procedures
8401 established by the local school board that include standards of due process and causes for
8402 dismissal; and

8403 (b) is not required to develop and implement a plan of assistance for the career
8404 employee, as provided in Section 53G-11-514.

8405 Section 233. Section 53G-11-518 is amended to read:

8406 **53G-11-518. State board to make rules on performance compensation.**

8407 (1) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
8408 ~~the State Board of Education~~] The state board shall make rules requiring a school district's
8409 employee compensation system to be aligned with the district's annual evaluation system
8410 described in Section 53G-11-507.

8411 (2) Rules adopted under Subsection (1) shall:

8412 (a) establish a timeline for developing and implementing an employee compensation
8413 system that is aligned with an annual evaluation system; and

8414 (b) provide that beginning no later than the 2016-17 school year:

8415 (i) any advancement on an adopted wage or salary schedule:

8416 (A) shall be based primarily on an evaluation; and

8417 (B) may not be based on end-of-level assessment scores; and

8418 (ii) an employee may not advance on an adopted wage or salary schedule if the
8419 employee's rating on the most recent evaluation is at the lowest level of an evaluation
8420 instrument.

8421 Section 234. Section 63G-2-302 is amended to read:

8422 **63G-2-302. Private records.**

8423 (1) The following records are private:

8424 (a) records concerning an individual's eligibility for unemployment insurance benefits,
8425 social services, welfare benefits, or the determination of benefit levels;

8426 (b) records containing data on individuals describing medical history, diagnosis,
8427 condition, treatment, evaluation, or similar medical data;

8428 (c) records of publicly funded libraries that when examined alone or with other records

8429 identify a patron;

8430 (d) records received by or generated by or for:

8431 (i) the Independent Legislative Ethics Commission, except for:

8432 (A) the commission's summary data report that is required under legislative rule; and

8433 (B) any other document that is classified as public under legislative rule; or

8434 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,

8435 unless the record is classified as public under legislative rule;

8436 (e) records received by, or generated by or for, the Independent Executive Branch

8437 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review

8438 of Executive Branch Ethics Complaints;

8439 (f) records received or generated for a Senate confirmation committee concerning

8440 character, professional competence, or physical or mental health of an individual:

8441 (i) if, prior to the meeting, the chair of the committee determines release of the records:

8442 (A) reasonably could be expected to interfere with the investigation undertaken by the

8443 committee; or

8444 (B) would create a danger of depriving a person of a right to a fair proceeding or

8445 impartial hearing; and

8446 (ii) after the meeting, if the meeting was closed to the public;

8447 (g) employment records concerning a current or former employee of, or applicant for

8448 employment with, a governmental entity that would disclose that individual's home address,

8449 home telephone number, social security number, insurance coverage, marital status, or payroll

8450 deductions;

8451 (h) records or parts of records under Section 63G-2-303 that a current or former

8452 employee identifies as private according to the requirements of that section;

8453 (i) that part of a record indicating a person's social security number or federal employer

8454 identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202,

8455 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

8456 (j) that part of a voter registration record identifying a voter's:

8457 (i) driver license or identification card number;

8458 (ii) social security number, or last four digits of the social security number;

8459 (iii) email address; or

8460 (iv) date of birth;

8461 (k) a voter registration record that is classified as a private record by the lieutenant

8462 governor or a county clerk under Subsection 20A-2-104(4)(f), 20A-2-101.1(5)(a), or

8463 20A-2-204(4)(b);

8464 (l) a record that:

8465 (i) contains information about an individual;

8466 (ii) is voluntarily provided by the individual; and

8467 (iii) goes into an electronic database that:

8468 (A) is designated by and administered under the authority of the Chief Information

8469 Officer; and

8470 (B) acts as a repository of information about the individual that can be electronically

8471 retrieved and used to facilitate the individual's online interaction with a state agency;

8472 (m) information provided to the Commissioner of Insurance under:

8473 (i) Subsection 31A-23a-115(3)(a);

8474 (ii) Subsection 31A-23a-302(4); or

8475 (iii) Subsection 31A-26-210(4);

8476 (n) information obtained through a criminal background check under Title 11, Chapter

8477 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

8478 (o) information provided by an offender that is:

8479 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap

8480 Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and

8481 (ii) not required to be made available to the public under Subsection 77-41-110(4) or

8482 77-43-108(4);

8483 (p) a statement and any supporting documentation filed with the attorney general in

8484 accordance with Section 34-45-107, if the federal law or action supporting the filing involves

8485 homeland security;

8486 (q) electronic toll collection customer account information received or collected under

8487 Section 72-6-118 and customer information described in Section 17B-2a-815 received or

8488 collected by a public transit district, including contact and payment information and customer

8489 travel data;

8490 (r) an email address provided by a military or overseas voter under Section

8491 20A-16-501;

8492 (s) a completed military-overseas ballot that is electronically transmitted under Title
8493 20A, Chapter 16, Uniform Military and Overseas Voters Act;

8494 (t) records received by or generated by or for the Political Subdivisions Ethics Review
8495 Commission established in Section 63A-15-201, except for:

8496 (i) the commission's summary data report that is required in Section 63A-15-202; and

8497 (ii) any other document that is classified as public in accordance with Title 63A,
8498 Chapter 15, Political Subdivisions Ethics Review Commission;

8499 (u) a record described in [~~Subsection 53G-9-604(3)~~] Section 53G-9-604 that verifies
8500 that a parent was notified of an incident or threat;

8501 (v) a criminal background check or credit history report conducted in accordance with
8502 Section 63A-3-201; and

8503 (w) a record described in Subsection 53-5a-104(7).

8504 (2) The following records are private if properly classified by a governmental entity:

8505 (a) records concerning a current or former employee of, or applicant for employment
8506 with a governmental entity, including performance evaluations and personal status information
8507 such as race, religion, or disabilities, but not including records that are public under Subsection
8508 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

8509 (b) records describing an individual's finances, except that the following are public:

8510 (i) records described in Subsection 63G-2-301(2);

8511 (ii) information provided to the governmental entity for the purpose of complying with
8512 a financial assurance requirement; or

8513 (iii) records that must be disclosed in accordance with another statute;

8514 (c) records of independent state agencies if the disclosure of those records would
8515 conflict with the fiduciary obligations of the agency;

8516 (d) other records containing data on individuals the disclosure of which constitutes a
8517 clearly unwarranted invasion of personal privacy;

8518 (e) records provided by the United States or by a government entity outside the state
8519 that are given with the requirement that the records be managed as private records, if the
8520 providing entity states in writing that the record would not be subject to public disclosure if
8521 retained by it;

(f) any portion of a record in the custody of the Division of Aging and Adult Services, created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

(g) audio and video recordings created by a body-worn camera, as defined in Section 77-7a-103, that record sound or images inside a home or residence except for recordings that:

(i) depict the commission of an alleged crime;

(ii) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;

(iii) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;

(iv) contain an officer involved critical incident as defined in Section 76-2-408(1)(d);

or

(v) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording.

(3) (a) As used in this Subsection (3), "medical records" means medical reports, records, statements, history, diagnosis, condition, treatment, and evaluation.

(b) Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or controlled records under Section 63G-2-304 when the records are sought:

(i) in connection with any legal or administrative proceeding in which the patient's physical, mental, or emotional condition is an element of any claim or defense; or

(ii) after a patient's death, in any legal or administrative proceeding in which any party relies upon the condition as an element of the claim or defense.

(c) Medical records are subject to production in a legal or administrative proceeding according to state or federal statutes or rules of procedure and evidence as if the medical records were in the possession of a nongovernmental medical care provider.

Section 235. Section 63J-1-220 is amended to read:

63J-1-220. Reporting related to pass through money distributed by state agencies.

(1) As used in this section:

(a) "Local government entity" means a county, municipality, school district, local

8553 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special
8554 service district under Title 17D, Chapter 1, Special Service District Act, or any other political
8555 subdivision of the state.

8556 (b) (i) "Pass through funding" means money appropriated by the Legislature to a state
8557 agency that is intended to be passed through the state agency to one or more:

8558 (A) local government entities;

8559 (B) private organizations, including not-for-profit organizations; or

8560 (C) persons in the form of a loan or grant.

8561 (ii) "Pass through funding" may be:

8562 (A) general funds, dedicated credits, or any combination of state funding sources; and

8563 (B) ongoing or one-time.

8564 (c) "Recipient entity" means a local government entity or private entity, including a
8565 nonprofit entity, that receives money by way of pass through funding from a state agency.

8566 (d) "State agency" means a department, commission, board, council, agency,
8567 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
8568 unit, bureau, panel, or other administrative unit of the executive branch of the state.

8569 (e) (i) "State money" means money that is owned, held, or administered by a state
8570 agency and derived from state fees or tax revenues.

8571 (ii) "State money" does not include contributions or donations received by a state
8572 agency.

8573 (2) A state agency may not provide a recipient entity state money through pass through
8574 funding unless:

8575 (a) the state agency enters into a written agreement with the recipient entity; and

8576 (b) the written agreement described in Subsection (2)(a) requires the recipient entity to
8577 provide the state agency:

8578 (i) a written description and an itemized report at least annually detailing the
8579 expenditure of the state money, or the intended expenditure of any state money that has not
8580 been spent; and

8581 (ii) a final written itemized report when all the state money is spent.

8582 (3) A state agency shall provide to the Governor's Office of Management and Budget a
8583 copy of a written description or itemized report received by the state agency under Subsection

8584 (2).

8585 (4) Notwithstanding Subsection (2), a state agency is not required to comply with this
8586 section to the extent that the pass through funding is issued:

8587 (a) under a competitive award process;

8588 (b) in accordance with a formula enacted in statute;

8589 (c) in accordance with a state program under parameters in statute or rule that guides
8590 the distribution of the pass through funding; or

8591 (d) under the authority of the [~~minimum school program~~] Minimum School Program,
8592 as defined in Subsection 53F-2-102[(7)(c)].

8593 Section 236. **Revisor instructions.**

8594 The Legislature intends that the Office of Legislative Research and General Counsel, in
8595 preparing the Utah Code database for publication, not enroll this bill if H.B. 27, Public
8596 Education Definitions Amendments, does not pass.