

- 30 **53E-3-503**, as last amended by Laws of Utah 2019, Chapters 186 and 187
- 31 **53E-3-505**, as last amended by Laws of Utah 2019, Chapters 186 and 226
- 32 **53E-3-508**, as last amended by Laws of Utah 2019, Chapter 186
- 33 **53E-3-512**, as last amended by Laws of Utah 2019, Chapter 186
- 34 **53E-3-516**, as last amended by Laws of Utah 2019, Chapters 186 and 324
- 35 **53E-3-519**, as enacted by Laws of Utah 2019, Chapter 41
- 36 **53E-4-205**, as last amended by Laws of Utah 2019, Chapter 186
- 37 **53E-4-206**, as last amended by Laws of Utah 2019, Chapter 186
- 38 **53E-4-302**, as last amended by Laws of Utah 2019, Chapter 186
- 39 **53E-4-408**, as last amended by Laws of Utah 2019, Chapter 186
- 40 **53E-5-202**, as last amended by Laws of Utah 2019, Chapter 186
- 41 **53E-5-301**, as last amended by Laws of Utah 2019, Chapter 186
- 42 **53E-5-305**, as last amended by Laws of Utah 2019, Chapter 186
- 43 **53E-5-306**, as last amended by Laws of Utah 2019, Chapter 186
- 44 **53E-5-308**, as last amended by Laws of Utah 2019, Chapter 186
- 45 **53E-5-309**, as last amended by Laws of Utah 2019, Chapter 186
- 46 **53E-6-201**, as last amended by Laws of Utah 2019, Chapter 186
- 47 **53E-6-301**, as last amended by Laws of Utah 2019, Chapter 186
- 48 **53E-6-302**, as last amended by Laws of Utah 2019, Chapter 186
- 49 **53E-6-902**, as last amended by Laws of Utah 2019, Chapter 186
- 50 **53E-6-903**, as renumbered and amended by Laws of Utah 2019, Chapter 487
- 51 **53E-8-204**, as last amended by Laws of Utah 2019, Chapters 186, 314, and 324
- 52 **53E-8-401**, as last amended by Laws of Utah 2019, Chapters 186 and 314
- 53 **53E-8-409**, as last amended by Laws of Utah 2019, Chapters 186 and 314
- 54 **53E-9-301**, as last amended by Laws of Utah 2019, Chapters 87, 175, 186, and 342
- 55 **53E-9-302**, as last amended by Laws of Utah 2019, Chapter 186
- 56 **53E-9-304**, as last amended by Laws of Utah 2019, Chapter 186
- 57 **53E-9-306**, as last amended by Laws of Utah 2019, Chapter 186

- 58 **53E-9-307**, as last amended by Laws of Utah 2019, Chapter 186
- 59 **53E-10-703**, as last amended by Laws of Utah 2019, Chapters 186 and 324
- 60 **53E-10-705**, as last amended by Laws of Utah 2019, Chapter 186
- 61 **53F-2-303**, as last amended by Laws of Utah 2019, Chapter 186
- 62 **53F-2-304**, as last amended by Laws of Utah 2019, Chapter 186
- 63 **53F-2-305**, as last amended by Laws of Utah 2019, Chapter 186
- 64 **53F-2-307**, as last amended by Laws of Utah 2019, Chapter 186
- 65 **53F-2-309**, as last amended by Laws of Utah 2019, Chapters 186 and 324
- 66 **53F-2-404**, as last amended by Laws of Utah 2019, Chapters 186 and 191
- 67 **53F-2-405**, as last amended by Laws of Utah 2019, Chapter 186
- 68 **53F-2-409**, as last amended by Laws of Utah 2019, Chapters 136 and 186
- 69 **53F-2-415**, as enacted by Laws of Utah 2019, Chapter 446
- 70 **53F-2-416**, as enacted by Laws of Utah 2019, Chapter 505
- 71 **53F-2-417**, as enacted by Laws of Utah 2019, Chapter 408
- 72 **53F-2-502**, as last amended by Laws of Utah 2019, Chapter 186
- 73 **53F-2-503**, as last amended by Laws of Utah 2019, Chapters 186 and 324
- 74 **53F-2-506**, as last amended by Laws of Utah 2019, Chapter 186
- 75 **53F-2-508**, as last amended by Laws of Utah 2019, Chapters 186 and 324
- 76 **53F-2-510**, as last amended by Laws of Utah 2019, Chapters 186 and 324
- 77 **53F-2-511**, as last amended by Laws of Utah 2019, Chapter 186
- 78 **53F-2-512**, as last amended by Laws of Utah 2019, Chapters 186 and 324
- 79 **53F-2-513**, as last amended by Laws of Utah 2019, Chapter 186
- 80 **53F-2-514**, as last amended by Laws of Utah 2019, Chapter 186
- 81 **53F-2-520**, as last amended by Laws of Utah 2019, Chapter 186 and renumbered and
- 82 amended by Laws of Utah 2019, Chapter 408
- 83 **53F-4-205**, as last amended by Laws of Utah 2019, Chapter 186
- 84 **53F-4-304**, as last amended by Laws of Utah 2019, Chapter 186
- 85 **53F-4-305**, as last amended by Laws of Utah 2019, Chapter 186

- 86 **53F-4-514**, as last amended by Laws of Utah 2019, Chapter 186
- 87 **53F-5-201**, as last amended by Laws of Utah 2019, Chapter 186
- 88 **53F-5-202**, as last amended by Laws of Utah 2019, Chapters 186 and 283
- 89 **53F-5-204**, as last amended by Laws of Utah 2019, Chapters 186 and 324
- 90 **53F-5-205**, as last amended by Laws of Utah 2019, Chapter 186
- 91 **53F-5-209**, as last amended by Laws of Utah 2019, Chapter 186
- 92 **53F-5-210**, as last amended by Laws of Utah 2019, Chapter 186
- 93 **53F-5-212**, as enacted by Laws of Utah 2019, Chapter 173
- 94 **53F-5-406**, as last amended by Laws of Utah 2019, Chapter 186
- 95 **53F-5-502**, as last amended by Laws of Utah 2019, Chapter 186
- 96 **53F-5-506**, as last amended by Laws of Utah 2019, Chapters 186 and 324
- 97 **53F-5-603**, as last amended by Laws of Utah 2019, Chapter 186
- 98 **53F-9-401**, as last amended by Laws of Utah 2019, Chapter 186
- 99 **53G-4-410**, as last amended by Laws of Utah 2019, Chapter 293
- 100 **53G-5-205**, as last amended by Laws of Utah 2019, Chapter 293
- 101 **53G-5-304**, as last amended by Laws of Utah 2019, Chapter 293
- 102 **53G-5-406**, as last amended by Laws of Utah 2019, Chapter 293
- 103 **53G-5-501**, as last amended by Laws of Utah 2019, Chapter 293
- 104 **53G-5-503**, as last amended by Laws of Utah 2019, Chapter 293
- 105 **53G-5-504**, as last amended by Laws of Utah 2019, Chapter 293
- 106 **53G-6-302**, as last amended by Laws of Utah 2019, Chapters 293 and 316
- 107 **53G-6-504**, as last amended by Laws of Utah 2019, Chapter 293
- 108 **53G-6-702**, as last amended by Laws of Utah 2019, Chapter 293
- 109 **53G-6-803**, as last amended by Laws of Utah 2019, Chapters 202 and 293
- 110 **53G-7-306**, as last amended by Laws of Utah 2019, Chapter 293
- 111 **53G-7-503**, as last amended by Laws of Utah 2019, Chapters 223 and 293
- 112 **53G-7-504**, as last amended by Laws of Utah 2019, Chapters 223 and 293
- 113 **53G-7-1004**, as last amended by Laws of Utah 2019, Chapter 293

- 114 **53G-7-1206**, as last amended by Laws of Utah 2019, Chapters 293 and 505
- 115 **53G-7-1304**, as enacted by Laws of Utah 2019, Chapter 505
- 116 **53G-7-1306**, as enacted by Laws of Utah 2019, Chapter 505
- 117 **53G-8-702**, as last amended by Laws of Utah 2019, Chapters 293 and 441
- 118 **53G-8-802**, as enacted by Laws of Utah 2019, Chapter 441
- 119 **53G-9-607**, as last amended by Laws of Utah 2019, Chapter 293
- 120 **53G-9-704**, as last amended by Laws of Utah 2019, Chapter 293
- 121 **53G-9-801**, as last amended by Laws of Utah 2019, Chapter 293
- 122 **53G-10-304**, as last amended by Laws of Utah 2019, Chapter 293
- 123 **53G-10-402**, as last amended by Laws of Utah 2019, Chapters 196 and 293
- 124 **53G-10-406**, as last amended by Laws of Utah 2019, Chapter 293
- 125 **53G-10-502**, as last amended by Laws of Utah 2019, Chapter 293
- 126 **53G-10-507**, as last amended by Laws of Utah 2019, Chapter 293
- 127 **53G-10-508**, as last amended by Laws of Utah 2019, Chapters 293 and 325
- 128 **53G-11-304**, as enacted by Laws of Utah 2019, Chapter 205
- 129 **53G-11-504**, as last amended by Laws of Utah 2019, Chapter 293
- 130 **53G-11-508**, as last amended by Laws of Utah 2019, Chapter 293
- 131 **53G-11-510**, as last amended by Laws of Utah 2019, Chapter 293
- 132 **53G-11-511**, as last amended by Laws of Utah 2019, Chapters 293 and 324
- 133 **53G-11-518**, as last amended by Laws of Utah 2019, Chapter 293
- 134 **63A-1-105.5**, as last amended by Laws of Utah 2008, Chapter 382
- 135 **63G-3-102**, as last amended by Laws of Utah 2018, Chapter 281
- 136 **63G-3-201**, as last amended by Laws of Utah 2018, Chapter 325
- 137 **63G-3-301**, as last amended by Laws of Utah 2019, Chapter 454
- 138 **63G-3-401**, as last amended by Laws of Utah 2016, Chapter 193
- 139 **63G-3-402**, as last amended by Laws of Utah 2016, Chapter 193
- 140 **63G-3-403**, as last amended by Laws of Utah 2016, Chapter 193
- 141 **63G-3-601**, as last amended by Laws of Utah 2017, Chapter 181

142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169

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

Section 1. Section **53E-1-102** is amended to read:

53E-1-102. Public education code definitions.

Unless otherwise indicated, as used in this title, Title 53F, Public Education System -- Funding, and Title 53G, Public Education System -- Local Administration:

- (1) "Charter agreement" means an agreement made in accordance with Section [53G-5-303](#) that authorizes the operation of a charter school.
- (2) "Charter school governing board" means the board that governs a charter school.
- (3) "District school" means a public school under the control of a local school board.
- (4) "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.
- (5) "LEA governing board" means:
 - (a) for a school district, the local school board;
 - (b) for a charter school, the charter school governing board; or
 - (c) for the Utah Schools for the Deaf and the Blind, the state board.
- (6) "Local education agency" or "LEA" means:
 - (a) a school district;
 - (b) a charter school; or
 - (c) the Utah Schools for the Deaf and the Blind.
- (7) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.
- (8) "Minimum School Program" means the same as that term is defined in Section [53F-2-102](#).
- (9) "Parent" means a parent or legal guardian.
- (10) "Public education code" means:
 - (a) this title;

170 (b) Title 53F, Public Education System -- Funding; and

171 (c) Title 53G, Public Education System -- Local Administration.

172 [~~(11) "Rule" means a rule made in accordance with Title 63G, Chapter 3, Utah~~
173 ~~Administrative Rulemaking Act.~~]

174 [~~(12)~~] (11) "Section 504 accommodation plan" means a plan developed in accordance
175 with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq., for a student
176 with a disability, to meet the student's educational needs and ensure equitable access to a free
177 appropriate public education.

178 [~~(13)~~] (12) "State board" means the State Board of Education.

179 [~~(14)~~] (13) "State superintendent" means the state superintendent of public instruction
180 appointed under Section [53E-3-301](#).

181 Section 2. Section **53E-3-401** is amended to read:

182 **53E-3-401. Powers of the state board -- Adoption of rules -- Enforcement --**
183 **Attorney.**

184 (1) As used in this section:

185 (a) "Education entity" means:

186 (i) an entity that receives a distribution of state funds through a grant program managed
187 by the state board under this public education code;

188 (ii) an entity that enters into a contract with the state board to provide an educational
189 good or service;

190 (iii) a school district; or

191 (iv) a charter school.

192 (b) "Educational good or service" means a good or service that is required or regulated
193 under:

194 (i) this public education code; or

195 (ii) a rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
196 Rulemaking Act, and authorized under this public education code.

197 (2) (a) The state board has general control and supervision of the state's public

198 education system.

199 (b) "General control and supervision" as used in Utah Constitution, Article X, Section
200 3, means directed to the whole system.

201 (3) The state board may not govern, manage, or operate school districts, institutions,
202 and programs, unless granted that authority by statute.

203 (4) (a) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative
204 Rulemaking Act, the state board may make rules to execute the state board's duties and
205 responsibilities under the Utah Constitution and state law.

206 (b) The state board may delegate the state board's statutory duties and responsibilities
207 to state board employees.

208 (5) (a) The state board may sell any interest it holds in real property upon a finding by
209 the state board that the property interest is surplus.

210 (b) The state board may use the money it receives from a sale under Subsection (5)(a)
211 for capital improvements, equipment, or materials, but not for personnel or ongoing costs.

212 (c) If the property interest under Subsection (5)(a) was held for the benefit of an agency
213 or institution administered by the state board, the money may only be used for purposes related
214 to the agency or institution.

215 (d) The state board shall advise the Legislature of any sale under Subsection (5)(a) and
216 related matters during the next following session of the Legislature.

217 (6) The state board shall develop policies and procedures related to federal educational
218 programs in accordance with Part 8, Implementing Federal or National Education Programs.

219 (7) On or before December 31, 2010, the state board shall review mandates or
220 requirements provided for in state board rule to determine whether certain mandates or
221 requirements could be waived to remove funding pressures on public schools on a temporary
222 basis.

223 (8) (a) If an education entity violates this public education code or rules authorized
224 under this public education code, the state board may, in accordance with the rules described in
225 Subsection (8)(c):

226 (i) require the education entity to enter into a corrective action agreement with the state
227 board;

228 (ii) temporarily or permanently withhold state funds from the education entity;

229 (iii) require the education entity to pay a penalty; or

230 (iv) require the education entity to reimburse specified state funds to the state board.

231 (b) Except for temporarily withheld funds, if the state board collects state funds under
232 Subsection (8)(a), the state board shall pay the funds into the Uniform School Fund.

233 (c) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
234 Act, the state board shall make rules:

235 (i) that require notice and an opportunity to be heard for an education entity affected by
236 a state board action described in Subsection (8)(a); and

237 (ii) to administer this Subsection (8).

238 (d) (i) An individual may bring a violation of statute or state board rule to the attention
239 of the state board in accordance with a process described in rule adopted by the state board.

240 (ii) If the state board identifies a violation of statute or state board rule as a result of the
241 process described in Subsection (8)(d)(i), the state board may take action in accordance with
242 this section.

243 (e) The state board shall report criminal conduct of an education entity to the district
244 attorney of the county where the education entity is located.

245 (9) The state board may audit the use of state funds by an education entity that receives
246 those state funds as a distribution from the state board.

247 (10) The state board may require, by rule made in accordance with Title 63G, Chapter
248 3, Utah Administrative Rulemaking Act, that if an LEA contracts with a third party contractor
249 for an educational good or service, the LEA shall require in the contract that the third party
250 contractor shall provide, upon request of the LEA, information necessary for the LEA to verify
251 that the educational good or service complies with:

252 (a) this public education code; and

253 (b) state board rule authorized under this public education code.

254 (11) (a) The state board may appoint an attorney to provide legal advice to the state
255 board and coordinate legal affairs for the state board and the state board's employees.

256 (b) An attorney described in Subsection (11)(a) shall cooperate with the Office of the
257 Attorney General.

258 (c) An attorney described in Subsection (11)(a) may not:

259 (i) conduct litigation;

260 (ii) settle claims covered by the Risk Management Fund created in Section 63A-4-201;

261 or

262 (iii) issue formal legal opinions.

263 (12) The state board shall ensure that any training or certification that an employee of
264 the public education system is required to complete under this title or by rule complies with
265 Title 63G, Chapter 22, State Training and Certification Requirements.

266 Section 3. Section 53E-3-503 is amended to read:

267 **53E-3-503. Education of individuals in custody of or receiving services from**
268 **certain state agencies -- Establishment of coordinating council -- Advisory councils.**

269 (1) (a) The state board is directly responsible for the education of all individuals who
270 are:

271 (i) (A) younger than 21 years old; or

272 (B) eligible for special education services as described in Chapter 7, Part 2, Special
273 Education Program; and

274 (ii) (A) receiving services from the Department of Human Services;

275 (B) in the custody of an equivalent agency of a Native American tribe recognized by
276 the United States Bureau of Indian Affairs and whose custodial parent resides within the state;

277 or

278 (C) being held in a juvenile detention facility.

279 (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
280 Administrative Rulemaking Act, to provide for the distribution of funds for the education of
281 individuals described in Subsection (1)(a).

282 (2) Subsection (1)(a)(ii)(B) does not apply to an individual taken into custody for the
283 primary purpose of obtaining access to education programs provided for youth in custody.

284 (3) The state board shall, where feasible, contract with school districts or other
285 appropriate agencies to provide educational, administrative, and supportive services, but the
286 state board shall retain responsibility for the programs.

287 (4) The Legislature shall establish and maintain separate education budget categories
288 for youth in custody or who are under the jurisdiction of the following state agencies:

289 (a) detention centers and the Divisions of Juvenile Justice Services and Child and
290 Family Services;

291 (b) the Division of Substance Abuse and Mental Health; and

292 (c) the Division of Services for People with Disabilities.

293 (5) (a) The Department of Human Services and the state board shall appoint a
294 coordinating council to plan, coordinate, and recommend budget, policy, and program
295 guidelines for the education and treatment of persons in the custody of the Division of Juvenile
296 Justice Services and the Division of Child and Family Services.

297 (b) The Department of Human Services and the state board may appoint similar
298 councils for those in the custody of the Division of Substance Abuse and Mental Health or the
299 Division of Services for People with Disabilities.

300 (6) A school district contracting to provide services under Subsection (3) shall
301 establish an advisory council to plan, coordinate, and review education and treatment programs
302 for individuals held in custody in the district.

303 Section 4. Section **53E-3-505** is amended to read:

304 **53E-3-505. Financial and economic literacy education.**

305 (1) As used in this section:

306 (a) "Financial and economic activities" include activities related to the topics listed in
307 Subsection (1)(b).

308 (b) "Financial and economic literacy concepts" include concepts related to the
309 following topics:

- 310 (i) basic budgeting;
- 311 (ii) saving and financial investments;
- 312 (iii) banking and financial services, including balancing a checkbook or a bank account
- 313 and online banking services;
- 314 (iv) career management, including earning an income;
- 315 (v) rights and responsibilities of renting or buying a home;
- 316 (vi) retirement planning;
- 317 (vii) loans and borrowing money, including interest, credit card debt, predatory
- 318 lending, and payday loans;
- 319 (viii) insurance;
- 320 (ix) federal, state, and local taxes;
- 321 (x) charitable giving;
- 322 (xi) identity fraud and theft;
- 323 (xii) negative financial consequences of gambling;
- 324 (xiii) bankruptcy;
- 325 (xiv) economic systems, including a description of:
- 326 (A) a command system such as socialism or communism, a market system such as
- 327 capitalism, and a mixed system; and
- 328 (B) historic and current examples of the effects of each economic system on economic
- 329 growth;
- 330 (xv) supply and demand;
- 331 (xvi) monetary and fiscal policy;
- 332 (xvii) effective business plan creation, including using economic analysis in creating a
- 333 plan;
- 334 (xviii) scarcity and choices;
- 335 (xix) opportunity cost and tradeoffs;
- 336 (xx) productivity;
- 337 (xxi) entrepreneurship; and

338 (xxii) economic reasoning.

339 (c) "General financial literacy course" means the course of instruction administered by
340 the state board under Subsection (3).

341 (2) The state board shall:

342 (a) more fully integrate existing and new financial and economic literacy education into
343 instruction in kindergarten through grade 12 by:

344 (i) coordinating financial and economic literacy instruction with existing instruction in
345 other areas of the core standards for Utah public schools, such as mathematics and social
346 studies;

347 (ii) using curriculum mapping;

348 (iii) creating training materials and staff development programs that:

349 (A) highlight areas of potential coordination between financial and economic literacy
350 education and other core standards for Utah public schools concepts; and

351 (B) demonstrate specific examples of financial and economic literacy concepts as a
352 way of teaching other core standards for Utah public schools concepts; and

353 (iv) using appropriate financial and economic literacy assessments to improve financial
354 and economic literacy education and, if necessary, developing assessments;

355 (b) work with interested public, private, and nonprofit entities to:

356 (i) identify, and make available to teachers, online resources for financial and
357 economic literacy education, including modules with interactive activities and turnkey
358 instructor resources;

359 (ii) coordinate school use of existing financial and economic literacy education
360 resources;

361 (iii) develop simple, clear, and consistent messaging to reinforce and link existing
362 financial literacy resources;

363 (iv) coordinate the efforts of school, work, private, nonprofit, and other financial
364 education providers in implementing methods of appropriately communicating to teachers,
365 students, and parents key financial and economic literacy messages; and

366 (v) encourage parents and students to establish higher education savings, including a
367 Utah Educational Savings Plan account;

368 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
369 make rules to develop guidelines and methods for school districts and charter schools to more
370 fully integrate financial and economic literacy education into other core standards for Utah
371 public schools courses; and

372 (d) in cooperation with school districts, charter schools, and interested private and
373 nonprofit entities, provide opportunities for professional development in financial and
374 economic literacy concepts to teachers, including:

- 375 (i) a statewide learning community for financial and economic literacy;
- 376 (ii) summer workshops; and
- 377 (iii) online videos of experts in the field of financial and economic literacy education.

378 (3) The state board shall:

379 (a) administer a general financial literacy course in the same manner that the state
380 board administers other core standards for Utah public school courses for grades 9 through 12;

381 (b) adopt standards and objectives for the general financial literacy course that address:

- 382 (i) financial and economic literacy concepts;
- 383 (ii) the costs of going to college, student loans, scholarships, and the Free Application
384 for Federal Student Aid;

385 (iii) financial benefits of pursuing concurrent enrollment as defined in Section
386 [53E-10-301](#); and

387 (iv) technology that relates to banking, savings, and financial products; and

388 (c) (i) contract with a provider, through a request for proposals process, to develop an
389 online, end-of-course assessment for the general financial literacy course;

390 (ii) require a school district or charter school to administer an online, end-of-course
391 assessment to a student who takes the general financial literacy course; and

392 (iii) develop a plan, through the state superintendent, to analyze the results of an
393 online, end-of-course assessment in general financial literacy that includes:

- 394 (A) an analysis of assessment results by standard; and
- 395 (B) average scores statewide and by school district and school.

396 (4) (a) The state board shall establish a task force to study and make recommendations
397 to the state board on how to improve financial and economic literacy education in the public
398 school system.

399 (b) The task force membership shall include representatives of:

- 400 (i) the state board;
- 401 (ii) school districts and charter schools;
- 402 (iii) the State Board of Regents; and
- 403 (iv) private or public entities that teach financial education and share a commitment to
404 empower individuals and families to achieve economic stability, opportunity, and upward
405 mobility.

406 (c) The state board shall convene the task force at least once every three years to
407 review and recommend adjustments to the standards and objectives of the general financial
408 literacy course.

409 Section 5. Section **53E-3-508** is amended to read:

410 **53E-3-508. Rulemaking -- Standards for high quality programs operating outside**
411 **of the regular school day.**

412 (1) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
413 Act, the state board shall, in consultation with the Department of Workforce Services, make
414 rules that describe the standards for a high quality program operating outside of the regular
415 school day:

- 416 (a) for elementary or secondary students; and
- 417 (b) offered by a:
 - 418 (i) school district;
 - 419 (ii) charter school;
 - 420 (iii) private provider, including a non-profit provider; or

421 (iv) municipality.

422 (2) The standards described in Subsection (1) shall specify that a high quality program
423 operating outside of the regular school day:

424 (a) provides a safe, healthy, and nurturing environment for all participants;

425 (b) develops and maintains positive relationships among staff, participants, families,
426 schools, and communities;

427 (c) encourages participants to learn new skills; and

428 (d) is effectively administered.

429 Section 6. Section **53E-3-512** is amended to read:

430 **53E-3-512. State board rules establishing basic ethical conduct standards --**

431 **Local school board policies.**

432 (1) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
433 Act, the state board shall make rules that establish basic ethical conduct standards for public
434 education employees who provide education-related services outside of their regular
435 employment to their current or prospective public school students.

436 (2) The rules shall provide that a local school board may adopt policies implementing
437 the standards and addressing circumstances present in the district.

438 Section 7. Section **53E-3-516** is amended to read:

439 **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking**
440 **authority.**

441 (1) As used in this section:

442 (a) "Disciplinary action" means an action by a public school meant to formally
443 discipline a student of that public school that includes a suspension or expulsion.

444 (b) "Law enforcement agency" means the same as that term is defined in Section
445 [77-7a-103](#).

446 (c) "Minor" means the same as that term is defined in Section [53G-6-201](#).

447 (d) "Other law enforcement activity" means a significant law enforcement interaction
448 with a minor that does not result in an arrest, including:

- 449 (i) a search and seizure by an SRO;
- 450 (ii) issuance of a criminal citation;
- 451 (iii) issuance of a ticket or summons;
- 452 (iv) filing a delinquency petition; or
- 453 (v) referral to a probation officer.

454 (e) "School is in session" means the hours of a day during which a public school
455 conducts instruction for which student attendance is counted toward calculating average daily
456 membership.

457 (f) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
458 clinic, or other event or activity that is authorized by a specific public school, according to LEA
459 governing board policy, and satisfies at least one of the following conditions:

460 (A) the activity is managed or supervised by a school district, public school, or public
461 school employee;

462 (B) the activity uses the school district or public school facilities, equipment, or other
463 school resources; or

464 (C) the activity is supported or subsidized, more than inconsequentially, by public
465 funds, including the public school's activity funds or Minimum School Program dollars.

466 (ii) "School-sponsored activity" includes preparation for and involvement in a public
467 performance, contest, athletic competition, demonstration, display, or club activity.

468 (g) "Student resource officer" or "SRO" means the same as that term is defined in
469 Section [53G-8-701](#).

470 (2) Beginning on July 1, 2020, the state board, in collaboration with school districts,
471 charter schools, and law enforcement agencies, shall develop an annual report regarding the
472 following incidents that occur on school grounds while school is in session or during a
473 school-sponsored activity:

- 474 (a) arrests of a minor;
- 475 (b) other law enforcement activities; and
- 476 (c) disciplinary actions.

477 (3) The report described in Subsection (2) shall include the following information by
478 school district and charter school:

479 (a) the number of arrests of a minor, including the reason why the minor was arrested;

480 (b) the number of other law enforcement activities, including the following information
481 for each incident:

482 (i) the reason for the other law enforcement activity; and

483 (ii) the type of other law enforcement activity used;

484 (c) the number of disciplinary actions imposed, including:

485 (i) the reason for the disciplinary action; and

486 (ii) the type of disciplinary action; and

487 (d) the number of SROs employed.

488 (4) The report described in Subsection (2) shall include the following information, in
489 aggregate, for each element described in Subsections (3)(a) through (c):

490 (a) age;

491 (b) grade level;

492 (c) race;

493 (d) sex; and

494 (e) disability status.

495 (5) Information included in the annual report described in Subsection (2) shall comply
496 with:

497 (a) Chapter 9, Part 3, Student Data Protection;

498 (b) Chapter 9, Part 2, Student Privacy; and

499 (c) the Family Education Rights and Privacy Act, 20 U.S.C. Secs. 1232g and 1232h.

500 (6) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
501 Act, the state board shall make rules to compile the report described in Subsection (2).

502 (7) The state board shall provide the report described in Subsection (2) in accordance
503 with Section [53E-1-203](#) for incidents that occurred during the previous school year.

504 Section 8. Section **53E-3-519** is amended to read:

505 **53E-3-519. School counselor services.**

506 (1) No later than July 1, 2019, the state board shall make rules in accordance with Title
507 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying:

508 (a) the recommended direct and indirect services a school counselor may provide;

509 (b) the recommended amount of time a school counselor may spend on direct and
510 indirect services; and

511 (c) recommended activities for a school counselor.

512 (2) No later than November 30, 2019, the state board shall prepare and submit to the
513 Education Interim Committee a report on the state board's strategic efforts to address
514 counseling services in schools.

515 Section 9. Section **53E-4-205** is amended to read:

516 **53E-4-205. American civics education initiative.**

517 (1) As used in this section:

518 (a) "Adult education program" means an organized educational program below the
519 postsecondary level, other than a regular full-time K-12 secondary education program,
520 provided by an LEA or nonprofit organization that provides the opportunity for an adult to
521 further the adult's high school level education.

522 (b) "Basic civics test" means a test that includes 50 of the 100 questions on the civics
523 test form used by the United States Citizenship and Immigration Services:

524 (i) to determine that an individual applying for United States citizenship meets the
525 basic citizenship skills specified in 8 U.S.C. Sec. 1423; and

526 (ii) in accordance with 8 C.F.R. Sec. 312.2.

527 (2) (a) Except as provided in Subsection (2)(b), the state board shall require:

528 (i) a public school student who graduates on or after January 1, 2016, to pass a basic
529 civics test as a condition for receiving a high school diploma; and

530 (ii) a student enrolled in an adult education program to pass a basic civics test as a
531 condition for receiving an adult education secondary diploma.

532 (b) The state board may require a public school student to pass an alternate assessment

533 instead of a basic civics test if the student qualifies for an alternate assessment, as defined in
534 state board rule made in accordance with Title 63G, Chapter 3, Utah Administrative
535 Rulemaking Act.

536 (3) An individual who correctly answers a minimum of 35 out of the 50 questions on a
537 basic civics test passes the test and an individual who correctly answers fewer than 35 out of 50
538 questions on a basic civics test does not pass the test.

539 (4) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
540 Act, the state board shall make rules that:

541 (a) require an LEA that serves secondary students to administer a basic civics test or
542 alternate assessment to a public school student enrolled in the LEA;

543 (b) require an adult education program provider to administer a basic civics test to an
544 individual who intends to receive an adult education secondary diploma;

545 (c) allow an individual to take a basic civics test as many times as needed in order to
546 pass the test; and

547 (d) for the alternate assessment described in Subsection (2)(b), describe:

548 (i) the content of an alternate assessment;

549 (ii) how a public school student qualifies for an alternate assessment; and

550 (iii) how an LEA determines if a student passes an alternate assessment.

551 Section 10. Section **53E-4-206** is amended to read:

552 **53E-4-206. Career and college readiness mathematics competency standards.**

553 (1) As used in this section, "qualifying score" means a score established as described in
554 Subsection (4), that, if met by a student, qualifies the student to receive college credit for a
555 mathematics course that satisfies the state system of higher education quantitative literacy
556 requirement.

557 (2) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
558 Act, the state board shall make rules that:

559 (a) (i) establish the mathematics competency standards described in Subsection (3) as a
560 graduation requirement beginning with the 2016-17 school year; and

561 (ii) include the qualifying scores described in Subsection (4); and
562 (b) establish systematic reporting of college and career ready mathematics
563 achievement.

564 (3) In addition to other graduation requirements established by the state board, a
565 student shall fulfill one of the following requirements to demonstrate mathematics competency
566 that supports the student's future college and career goals as outlined in the student's college
567 and career plan:

568 (a) for a student pursuing a college degree after graduation:
569 (i) receive a score that at least meets the qualifying score for:
570 (A) an Advanced Placement calculus or statistics exam;
571 (B) an International Baccalaureate higher level mathematics exam;
572 (C) a college-level math placement test described in Subsection (5);
573 (D) a College Level Examination Program precalculus or calculus exam; or
574 (E) the ACT Mathematics Test; or
575 (ii) receive at least a "C" grade in a concurrent enrollment mathematics course that
576 satisfies the state system of higher education quantitative literacy requirement;

577 (b) for a non college degree-seeking student, the student shall complete appropriate
578 math competencies for the student's career goals as described in the student's college and career
579 plan;

580 (c) for a student with an individualized education program prepared in accordance with
581 the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., the student shall
582 meet the mathematics standards described in the student's individualized education program; or
583 (d) for a senior student with special circumstances as described in state board rule
584 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
585 student shall fulfill a requirement associated with the student's special circumstances, as
586 established in state board rule.

587 (4) The State Board of Regents shall, in consultation with the state board, determine
588 qualifying scores for the tests and exams described in Subsection (3)(a)(i).

589 (5) The State Board of Regents, established in Section 53B-1-103, shall make a policy
590 to select at least two tests for college-level math placement.

591 (6) The State Board of Regents shall, in consultation with the state board, make
592 policies to:

593 (a) develop mechanisms for a student who completes a math competency requirement
594 described in Subsection (3)(a) to:

595 (i) receive college credit; and

596 (ii) satisfy the state system of higher education quantitative literacy requirement;

597 (b) allow a student, upon completion of required high school mathematics courses with
598 at least a "C" grade, entry into a mathematics concurrent enrollment course;

599 (c) increase access to a range of mathematics concurrent enrollment courses;

600 (d) establish a consistent concurrent enrollment course approval process; and

601 (e) establish a consistent process to qualify high school teachers with an upper level
602 mathematics endorsement to teach entry level mathematics concurrent enrollment courses.

603 Section 11. Section 53E-4-302 is amended to read:

604 **53E-4-302. Statewide assessments -- Duties of the state board.**

605 (1) The state board shall:

606 (a) require the state superintendent to:

607 (i) submit and recommend statewide assessments to the state board for adoption by the
608 state board; and

609 (ii) distribute the statewide assessments adopted by the state board to a school district
610 or charter school;

611 (b) provide for the state to participate in the National Assessment of Educational
612 Progress state-by-state comparison testing program; and

613 (c) require a school district or charter school to administer statewide assessments.

614 (2) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
615 Act, the state board shall make rules for the administration of statewide assessments.

616 (3) The state board shall ensure that statewide assessments are administered in

617 compliance with the requirements of Chapter 9, Student Privacy and Data Protection.

618 Section 12. Section **53E-4-408** is amended to read:

619 **53E-4-408. Instructional materials alignment with core standards for Utah public**
620 **schools.**

621 (1) For a school year beginning with or after the 2012-13 school year, a school district
622 may not purchase primary instructional materials unless the primary instructional materials
623 provider:

624 (a) contracts with an independent party to evaluate and map the alignment of the
625 primary instructional materials with the core standards for Utah public schools adopted under
626 Section **53E-3-501**;

627 (b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public
628 website at no charge, for use by teachers and the general public; and

629 (c) pays the costs related to the requirements of this Subsection (1).

630 (2) The requirements under Subsection (1) may not be performed by:

631 (a) the state board;

632 (b) the state superintendent or employees of the state board;

633 (c) the State Instructional Materials Commission appointed pursuant to Section
634 **53E-4-402**;

635 (d) a local school board or a school district; or

636 (e) the instructional materials creator or publisher.

637 (3) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
638 Act, the state board shall make rules that establish:

639 (a) the qualifications of the independent parties who may evaluate and map the
640 alignment of the primary instructional materials in accordance with the provisions of
641 Subsection (1)(a); and

642 (b) requirements for the detailed summary of the evaluation and its placement on a
643 public website in accordance with the provisions of Subsection (1)(b).

644 Section 13. Section **53E-5-202** is amended to read:

645 **53E-5-202. Statewide school accountability system -- State board rulemaking.**

646 (1) There is established a statewide school accountability system.

647 (2) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
648 Act, the state board shall make rules to implement the school accountability system in
649 accordance with this part.

650 Section 14. Section **53E-5-301** is amended to read:

651 **53E-5-301. Definitions.**

652 As used in this part:

653 (1) "Charter school authorizer" means the same as that term is defined in Section
654 **53G-5-102**.

655 (2) "Educator" means the same as that term is defined in Section **53E-6-102**.

656 (3) "Final remedial year" means the second school year following the initial remedial
657 year.

658 (4) "Independent school turnaround expert" or "turnaround expert" means a person
659 identified by the state board under Section **53E-5-305**.

660 (5) "Initial remedial year" means the school year a district school or charter school is
661 designated as a low performing school under Section **53E-5-302**.

662 (6) "LEA governing board" means a local school board or charter school governing
663 board.

664 (7) "Low performing school" means a district school or charter school that has been
665 designated a low performing school by the state board because the school is:

666 (a) for two consecutive school years in the lowest performing 3% of schools statewide
667 according to the percentage of possible points earned under the school accountability system;
668 and

669 (b) a low performing school according to other outcome-based measures as may be
670 defined in rules made by the state board in accordance with Title 63G, Chapter 3, Utah
671 Administrative Rulemaking Act.

672 (8) "School accountability system" means the school accountability system established

673 in Part 2, School Accountability System.

674 (9) "School grade" or "grade" means the letter grade assigned to a school as the
675 school's overall rating under the school accountability system.

676 (10) "School turnaround committee" means a committee established under:

677 (a) for a district school, Section 53E-5-303; or

678 (b) for a charter school, Section 53E-5-304.

679 (11) "School turnaround plan" means a plan described in:

680 (a) for a district school, Section 53E-5-303; or

681 (b) for a charter school, Section 53E-5-304.

682 Section 15. Section 53E-5-305 is amended to read:

683 **53E-5-305. State board to identify independent school turnaround experts --**

684 **Review and approval of school turnaround plans -- Appeals process.**

685 (1) The state board shall identify two or more approved independent school turnaround
686 experts, through a standard procurement process, that a low performing school may contract
687 with to:

688 (a) respond to the needs assessment conducted under Section 53E-5-302; and

689 (b) provide the services described in Section 53E-5-303 or 53E-5-304, as applicable.

690 (2) In identifying independent school turnaround experts under Subsection (1), the state
691 board shall identify experts that:

692 (a) have a credible track record of improving student academic achievement in public
693 schools with various demographic characteristics, as measured by statewide assessments
694 described in Section 53E-4-301;

695 (b) have experience designing, implementing, and evaluating data-driven instructional
696 systems in public schools;

697 (c) have experience coaching public school administrators and teachers on designing
698 data-driven school improvement plans;

699 (d) have experience working with the various education entities that govern public
700 schools;

701 (e) have experience delivering high-quality professional development in instructional
702 effectiveness to public school administrators and teachers; and

703 (f) are willing to partner with any low performing school in the state, regardless of
704 location.

705 (3) (a) The state board shall:

706 (i) review a proposal submitted for approval under Section 53E-5-303 or 53E-5-304 no
707 later than 30 days after the day on which the proposal is submitted;

708 (ii) review a school turnaround plan submitted for approval under Subsection
709 53E-5-303(7)(b) or under Subsection 53E-5-304(9)(b) within 30 days of submission; and

710 (iii) approve a school turnaround plan that:

711 (A) is timely;

712 (B) is well-developed; and

713 (C) meets the criteria described in Subsection 53E-5-303(5).

714 (b) The state board may not approve a school turnaround plan that is not aligned with
715 the needs assessment conducted under Section 53E-5-302.

716 (4) (a) Subject to legislative appropriations, when a school turnaround plan is approved
717 by the state board, the state board shall distribute funds to each LEA governing board with a
718 low performing school to carry out the provisions of Sections 53E-5-303 and 53E-5-304.

719 (b) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
720 Act, the state board shall make rules establishing a distribution method and allowable uses of
721 the funds described in Subsection (4)(a).

722 (5) The state board shall:

723 (a) monitor and assess progress toward the goals, benchmarks and timetable in each
724 school turnaround plan; and

725 (b) act as a liaison between a local school board, low performing school, and
726 turnaround expert.

727 (6) (a) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative
728 Rulemaking Act, the state board shall make rules to establish an appeals process for:

729 (i) a low performing district school that is not granted approval from the district
730 school's local school board under Subsection 53E-5-303(7)(b);

731 (ii) a low performing charter school that is not granted approval from the charter
732 school's charter school governing board under Subsection 53E-5-304(9)(b); and

733 (iii) a local school board or charter school governing board that is not granted approval
734 from the state board under Subsection (3)(a) or (b).

735 (b) The state board shall ensure that rules made under Subsection (6)(a) require an
736 appeals process described in:

737 (i) Subsections (6)(a)(i) and (ii) to be resolved on or before July 1 of the initial
738 remedial year; and

739 (ii) Subsection (6)(a)(iii) to be resolved on or before August 15 of the initial remedial
740 year.

741 (7) The state board may use up to 4% of the funds appropriated by the Legislature to
742 carry out the provisions of this part for administration if the amount for administration is
743 approved by the state board in an open meeting.

744 Section 16. Section 53E-5-306 is amended to read:

745 **53E-5-306. Implications for failing to improve school performance.**

746 (1) As used in this section, "high performing charter school" means a charter school
747 that:

748 (a) satisfies all requirements of state law and state board rules made in accordance with
749 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

750 (b) meets or exceeds standards for student achievement established by the charter
751 school's charter school authorizer; and

752 (c) has received at least a B grade under the school accountability system in the
753 previous two school years.

754 (2) (a) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative
755 Rulemaking Act, the state board shall make rules establishing:

756 (i) exit criteria for a low performing school;

757 (ii) criteria for granting a school an extension as described in Subsection (3); and
758 (iii) implications for a low performing school that does not meet exit criteria after the
759 school's final remedial year or the last school year of the extension period described in
760 Subsection (3).

761 (b) In establishing exit criteria for a low performing school the state board shall:

762 (i) determine for each low performing school the number of points awarded under the
763 school accountability system in the final remedial year that represent a substantive and
764 statistically significant improvement over the number of points awarded under the school
765 accountability system in the school year immediately preceding the initial remedial year;

766 (ii) establish a method to estimate the exit criteria after a low performing school's first
767 remedial year to provide a target for each low performing school; and

768 (iii) use generally accepted statistical practices.

769 (c) The state board shall through a competitively awarded contract engage a third party
770 with expertise in school accountability and assessments to verify the criteria adopted under this
771 Subsection (2).

772 (3) (a) A low performing school may petition the state board for an extension to
773 continue school improvement efforts for up to two years if the low performing school does not
774 meet the exit criteria established by the state board as described in Subsection (2).

775 (b) A school that has been granted an extension under this Subsection (3) is eligible
776 for:

777 (i) continued funding under Section 53E-5-305; and

778 (ii) (A) the school teacher recruitment and retention incentive under Section
779 53E-5-308; or

780 (B) the School Recognition and Reward Program under Section 53E-5-307.

781 (4) If a low performing school does not meet exit criteria after the school's final
782 remedial year or the last school year of the extension period, the state board may intervene by:

783 (a) restructuring a district school, which may include:

784 (i) contract management;

- 785 (ii) conversion to a charter school; or
- 786 (iii) state takeover;
- 787 (b) restructuring a charter school by:
- 788 (i) terminating a school's charter agreement;
- 789 (ii) closing a charter school; or
- 790 (iii) transferring operation and control of the charter school to:
- 791 (A) a high performing charter school; or
- 792 (B) the school district in which the charter school is located; or
- 793 (c) other appropriate action as determined by the state board.

794 Section 17. Section **53E-5-308** is amended to read:

795 **53E-5-308. Turnaround school teacher recruitment and retention.**

796 (1) As used in this section, "plan" means a teacher recruitment and retention plan.

797 (2) On a date specified by the state board, an LEA governing board of a low
798 performing school shall submit to the state board for review and approval a plan to address
799 teacher recruitment and retention in a low performing school.

800 (3) The state board shall:

801 (a) review a plan submitted under Subsection (2);

802 (b) approve a plan if the plan meets criteria established by the state board in rules made
803 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

804 (c) subject to legislative appropriations, provide funding to an LEA governing board
805 for teacher recruitment and retention efforts identified in an approved plan if the LEA
806 governing board provides matching funds in an amount equal to at least the funding the low
807 performing school would receive from the state board.

808 (4) The money distributed under this section may only be expended to fund teacher
809 recruitment and retention efforts identified in an approved plan.

810 Section 18. Section **53E-5-309** is amended to read:

811 **53E-5-309. School Leadership Development Program.**

812 (1) As used in this section, "school leader" means a school principal or assistant

813 principal.

814 (2) There is created the School Leadership Development Program to increase the
815 number of highly effective school leaders capable of:

- 816 (a) initiating, achieving, and sustaining school improvement efforts; and
- 817 (b) forming and sustaining community partnerships as described in Section 53F-5-402.

818 (3) The state board shall identify one or more providers, through a request for
819 proposals process, to develop or provide leadership development training for school leaders
820 that:

- 821 (a) may provide in-depth training in proven strategies to turn around low performing
822 schools;
- 823 (b) may emphasize hands-on and job-embedded learning;
- 824 (c) aligns with the state's leadership standards established by state board rule;
- 825 (d) reflects the needs of a school district or charter school where a school leader serves;
- 826 (e) may include training on using student achievement data to drive decisions;
- 827 (f) may develop skills in implementing and evaluating evidence-based instructional
828 practices;
- 829 (g) may develop skills in leading collaborative school improvement structures,
830 including professional learning communities; and
- 831 (h) includes instruction on forming and sustaining community partnerships as
832 described in Section 53F-5-402.

833 (4) Subject to legislative appropriations, the state board shall provide incentive pay to a
834 school leader who:

- 835 (a) completes leadership development training under this section; and
- 836 (b) agrees to work, for at least five years, in a school that received an F grade or D
837 grade under the school accountability system in the school year previous to the first year the
838 school leader:
 - 839 (i) completes leadership development training; and
 - 840 (ii) begins to work, or continues to work, in a school described in this Subsection

841 (4)(b).

842 (5) ~~[The]~~ In accordance with Title 63G, Utah Administrative Rulemaking Act, the state
843 board shall make rules specifying:

844 (a) eligibility criteria for a school leader to participate in the School Leadership
845 Development Program;

846 (b) application procedures for the School Leadership Development Program;

847 (c) criteria for selecting school leaders from the application pool; and

848 (d) procedures for awarding incentive pay under Subsection (4).

849 Section 19. Section **53E-6-201** is amended to read:

850 **53E-6-201. State board licensure.**

851 (1) To be fully implemented by July 1, 2020, and, if technology and funds are
852 available, the state board shall establish in rule made in accordance with Title 63G, Chapter 3,
853 Utah Administrative Rulemaking Act, a system for educator licensing that includes:

854 (a) an associate educator license that permits an individual to provide educational
855 services in a public school while working to meet the requirements of a professional educator
856 license;

857 (b) a professional educator license that permits an individual to provide educational
858 services in a public school after demonstrating that the individual meets licensure requirements
859 established in state board rule; and

860 (c) an LEA-specific educator license issued by the state board at the request of an
861 LEA's governing body that is valid for an individual to provide educational services in the
862 requesting LEA's schools.

863 (2) An individual employed in a position that requires licensure by the state board shall
864 hold the license that is appropriate to the position.

865 (3) (a) The state board may by rule made in accordance with Title 63G, Chapter 3,
866 Utah Administrative Rulemaking Act, rank, endorse, or otherwise classify licenses and
867 establish the criteria for obtaining, retaining, and reinstating licenses.

868 (b) An educator who is enrolling in a course of study at an institution within the state

869 system of higher education to satisfy the state board requirements for retaining a license is
870 exempt from tuition, except for a semester registration fee established by the State Board of
871 Regents, if:

872 (i) the educator is enrolled on the basis of surplus space in the class after regularly
873 enrolled students have been assigned and admitted to the class in accordance with regular
874 procedures, normal teaching loads, and the institution's approved budget; and

875 (ii) enrollments are determined by each institution under rules and guidelines
876 established by the State Board of Regents in accordance with findings of fact that space is
877 available for the educator's enrollment.

878 Section 20. Section **53E-6-301** is amended to read:

879 **53E-6-301. Qualifications of applicants for licenses -- Changes in qualifications.**

880 (1) The state board shall establish by rule made in accordance with Title 63G, Chapter
881 3, Utah Administrative Rulemaking Act, the scholarship, training, and experience required of
882 license applicants.

883 (2) (a) The state board shall announce any increase in the requirements when made.

884 (b) An increase in requirements shall become effective not less than one year from the
885 date of the announcement.

886 (3) The state board may determine by examination or otherwise the qualifications of
887 license applicants.

888 Section 21. Section **53E-6-302** is amended to read:

889 **53E-6-302. Teacher preparation programs.**

890 (1) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
891 Act, the state board shall make rules that establish standards for approval of a preparation
892 program.

893 (2) The state board shall ensure that standards adopted under Subsection (1) meet or
894 exceed generally recognized national standards for preparation of educators.

895 (3) The state board shall designate an employee of the state board's staff to:

896 (a) work with education deans of state institutions of higher education to coordinate

897 on-site monitoring of teacher preparation programs that may include:

- 898 (i) monitoring courses for teacher preparation programs;
- 899 (ii) working with course instructors for teacher preparation programs; and
- 900 (iii) interviewing students admitted to teacher preparation programs;
- 901 (b) act as a liaison between:
 - 902 (i) the state board;
 - 903 (ii) local school boards or charter school governing boards; and
 - 904 (iii) representatives of teacher preparation programs; and
- 905 (c) report the employee's findings and recommendations for the improvement of

906 teacher preparation programs to:

- 907 (i) the state board; and
- 908 (ii) education deans of state institutions of higher education.

909 (4) The state board shall:

- 910 (a) in good faith, consider the findings and recommendations described in Subsection
- 911 (3)(c); and

912 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
913 make rules, as the state board determines is necessary, to implement recommendations
914 described in Subsection (3)(c).

915 Section 22. Section **53E-6-902** is amended to read:

916 **53E-6-902. Teacher leaders.**

917 (1) As used in this section, "teacher" means an educator who has an assignment to
918 teach in a classroom.

919 (2) There is created the role of a teacher leader to:

- 920 (a) work with a student teacher and a teacher who supervises a student teacher;
- 921 (b) assist with the training of a recently hired teacher; and
- 922 (c) support school-based professional learning.

923 (3) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
924 Act, the state board shall make rules that:

925 (a) define the role of a teacher leader, including the functions described in Subsection
926 (2); and

927 (b) establish the minimum criteria for a teacher to qualify as a teacher leader.

928 (4) The state board shall solicit recommendations from school districts and educators
929 regarding:

930 (a) appropriate resources to provide a teacher leader; and

931 (b) appropriate ways to compensate a teacher leader.

932 Section 23. Section **53E-6-903** is amended to read:

933 **53E-6-903. STEM education endorsements and incentive program.**

934 (1) As used in this section, "STEM" means science, technology, engineering, and
935 mathematics.

936 (2) The state board shall:

937 (a) develop STEM education endorsements; and

938 (b) create and implement financial incentives for:

939 (i) an educator to earn an elementary or secondary STEM education endorsement
940 described in Subsection (2)(a); and

941 (ii) a school district or a charter school to have STEM endorsed educators on staff.

942 (3) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
943 Act, the state board shall make rules establishing the uses of STEM education endorsements
944 described in Subsection (2), including that:

945 (a) an incentive for an educator to take a course leading to a STEM education
946 endorsement may only be given for a course that carries higher-education credit; and

947 (b) a school district or a charter school may consider a STEM education endorsement
948 as part of an educator's salary schedule.

949 Section 24. Section **53E-8-204** is amended to read:

950 **53E-8-204. Authority of the state board -- Rulemaking -- Superintendent --**
951 **Advisory council.**

952 (1) The state board is the governing board of the Utah Schools for the Deaf and the

953 Blind.

954 (2) (a) The state board shall appoint a superintendent for the Utah Schools for the Deaf
955 and the Blind.

956 (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
957 Administrative Rulemaking Act, regarding the qualifications, terms of employment, and duties
958 of the superintendent for the Utah Schools for the Deaf and the Blind.

959 (3) The superintendent shall:

960 (a) subject to the approval of the state board, appoint an associate superintendent to
961 administer the Utah School for the Deaf based on:

962 (i) demonstrated competency as an expert educator of deaf persons; and

963 (ii) knowledge of school management and the instruction of deaf persons;

964 (b) subject to the approval of the state board, appoint an associate superintendent to
965 administer the Utah School for the Blind based on:

966 (i) demonstrated competency as an expert educator of blind persons; and

967 (ii) knowledge of school management and the instruction of blind persons, including an
968 understanding of the unique needs and education of deafblind persons.

969 (4) (a) The state board shall:

970 (i) establish an advisory council for the Utah Schools for the Deaf and the Blind and
971 appoint no more than 11 members to the advisory council;

972 (ii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
973 Rulemaking Act, regarding the operation of the advisory council; and

974 (iii) receive and consider the advice and recommendations of the advisory council but
975 is not obligated to follow the recommendations of the advisory council.

976 (b) The advisory council described in Subsection (4)(a) shall include at least:

977 (i) two members who are blind;

978 (ii) two members who are deaf; and

979 (iii) two members who are deafblind or parents of a deafblind child.

980 (5) The state board shall approve the annual budget and expenditures of the Utah

981 Schools for the Deaf and the Blind.

982 (6) (a) The state board shall submit a report in accordance with Section 53E-1-201 on
983 the Utah Schools for the Deaf and the Blind.

984 (b) The state board shall ensure that the report described in Subsection (6)(a) includes:

985 (i) a financial report;

986 (ii) a report on Utah Schools for the Deaf and the Blind programs and activities; and

987 (iii) a report of student academic performance.

988 Section 25. Section 53E-8-401 is amended to read:

989 **53E-8-401. Eligibility for services of the Utah Schools for the Deaf and the Blind.**

990 (1) Except as provided in Subsections (3), (4), and (5), an individual is eligible to
991 receive services of the Utah Schools for the Deaf and the Blind if the individual is:

992 (a) a resident of Utah;

993 (b) younger than 22 years of age;

994 (c) referred to the Utah Schools for the Deaf and the Blind by:

995 (i) the individual's school district of residence;

996 (ii) a local early intervention program; or

997 (iii) if the referral is consistent with the Individual with Disabilities Education Act, 20
998 U.S.C. Sec. 1400 et seq., the Parent Infant Program; and

999 (d) identified as deaf, blind, or deafblind through:

1000 (i) the special education eligibility determination process; or

1001 (ii) the Section 504 eligibility determination process.

1002 (2) (a) In determining eligibility for an individual who is younger than age three and is
1003 deafblind, the following information may be used:

1004 (i) ophthalmological and audiological documentation;

1005 (ii) functional vision or hearing assessments and evaluations; or

1006 (iii) informed clinical opinion conducted by a person with expertise in deafness,
1007 blindness, or deafblindness.

1008 (b) Informed clinical opinion shall be:

1009 (i) included in the determination of eligibility when documentation is incomplete or not
1010 conclusive; and

1011 (ii) based on pertinent records related to the individual's current health status and
1012 medical history, an evaluation and observations of the individual's level of sensory functioning,
1013 and the needs of the family.

1014 (3) (a) A student who qualifies for special education shall have services and placement
1015 determinations made through the IEP process.

1016 (b) A student who qualifies for accommodations under Section 504 shall have services
1017 and placement determinations made through the Section 504 team process.

1018 (4) (a) A nonresident may receive services of the Utah Schools for the Deaf and the
1019 Blind in accordance with the rules of the state board described in Subsection (6).

1020 (b) The rules shall require the payment of tuition for services provided to a
1021 nonresident.

1022 (5) An individual is eligible to receive services from the Utah Schools for the Deaf and
1023 the Blind under circumstances described in Section [53E-8-408](#).

1024 (6) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1025 Act, the state board:

1026 (a) shall make rules that determine the eligibility of students to be served by the Utah
1027 Schools for the Deaf and the Blind; and

1028 (b) may make rules to allow a resident of Utah who is neither deaf, blind, nor deafblind
1029 to receive services of the Utah Schools for the Deaf and the Blind if the resident is younger
1030 than 22 years of age.

1031 Section 26. Section **53E-8-409** is amended to read:

1032 **53E-8-409. Instructional Materials Access Center -- Board to make rules.**

1033 (1) The state board shall collaborate with the Utah Schools for the Deaf and the Blind,
1034 school districts, and charter schools in establishing the Utah State Instructional Materials
1035 Access Center to provide students with print disabilities access to instructional materials in
1036 alternate formats in a timely manner.

1037 (2) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah
1038 Administrative Rulemaking Act, to:

- 1039 (a) establish the Utah State Instructional Materials Access Center;
- 1040 (b) define how the Utah Schools for the Deaf and the Blind shall collaborate in the
1041 operation of the Utah State Instructional Materials Access Center;
- 1042 (c) specify procedures for the operation of the Utah State Instructional Materials
1043 Access Center, including procedures to:
 - 1044 (i) identify students who qualify for instructional materials in alternate formats; and
 - 1045 (ii) distribute and store instructional materials in alternate formats; and
- 1046 (d) require textbook publishers, as a condition of contract, to provide electronic file
1047 sets in conformance with the National Instructional Materials Accessibility Standard.

1048 Section 27. Section **53E-9-301** is amended to read:

1049 **53E-9-301. Definitions.**

1050 As used in this part:

- 1051 (1) "Adult student" means a student who:
 - 1052 (a) is at least 18 years old;
 - 1053 (b) is an emancipated student; or
 - 1054 (c) qualifies under the McKinney-Vento Homeless Education Assistance
1055 Improvements Act of 2001, 42 U.S.C. Sec. 11431 et seq.
- 1056 (2) "Aggregate data" means data that:
 - 1057 (a) are totaled and reported at the group, cohort, school, school district, region, or state
1058 level with at least 10 individuals in the level;
 - 1059 (b) do not reveal personally identifiable student data; and
 - 1060 (c) are collected in accordance with state board rule.
- 1061 (3) (a) "Biometric identifier" means a:
 - 1062 (i) retina or iris scan;
 - 1063 (ii) fingerprint;
 - 1064 (iii) human biological sample used for valid scientific testing or screening; or

- 1065 (iv) scan of hand or face geometry.
- 1066 (b) "Biometric identifier" does not include:
 - 1067 (i) a writing sample;
 - 1068 (ii) a written signature;
 - 1069 (iii) a voiceprint;
 - 1070 (iv) a photograph;
 - 1071 (v) demographic data; or
 - 1072 (vi) a physical description, such as height, weight, hair color, or eye color.
- 1073 (4) "Biometric information" means information, regardless of how the information is
1074 collected, converted, stored, or shared:
 - 1075 (a) based on an individual's biometric identifier; and
 - 1076 (b) used to identify the individual.
- 1077 (5) "Data breach" means an unauthorized release of or unauthorized access to
1078 personally identifiable student data that is maintained by an education entity.
- 1079 (6) "Data governance plan" means an education entity's comprehensive plan for
1080 managing education data that:
 - 1081 (a) incorporates reasonable data industry best practices to maintain and protect student
1082 data and other education-related data;
 - 1083 (b) describes the role, responsibility, and authority of an education entity data
1084 governance staff member;
 - 1085 (c) provides for necessary technical assistance, training, support, and auditing;
 - 1086 (d) describes the process for sharing student data between an education entity and
1087 another person;
 - 1088 (e) describes the education entity's data expungement process, including how to
1089 respond to requests for expungement;
 - 1090 (f) describes the data breach response process; and
 - 1091 (g) is published annually and available on the education entity's website.
- 1092 (7) "Education entity" means:

- 1093 (a) the state board;
- 1094 (b) a local school board;
- 1095 (c) a charter school governing board;
- 1096 (d) a school district;
- 1097 (e) a charter school; or
- 1098 (f) the Utah Schools for the Deaf and the Blind.
- 1099 (8) "Expunge" means to seal or permanently delete data, as described in state board
1100 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1101 under Section 53E-9-306.
- 1102 (9) "General audience application" means an Internet website, online service, online
1103 application, mobile application, or software program that:
- 1104 (a) is not specifically intended for use by an audience member that attends kindergarten
1105 or a grade from 1 to 12, although an audience member may attend kindergarten or a grade from
1106 1 to 12; and
- 1107 (b) is not subject to a contract between an education entity and a third-party contractor.
- 1108 (10) "Local education agency" or "LEA" means:
- 1109 (a) a school district;
- 1110 (b) a charter school; or
- 1111 (c) the Utah Schools for the Deaf and the Blind.
- 1112 (11) "Metadata dictionary" means a record that:
- 1113 (a) defines and discloses all personally identifiable student data collected and shared by
1114 the education entity;
- 1115 (b) comprehensively lists all recipients with whom the education entity has shared
1116 personally identifiable student data, including:
- 1117 (i) the purpose for sharing the data with the recipient;
- 1118 (ii) the justification for sharing the data, including whether sharing the data was
1119 required by federal law, state law, or a local directive; and
- 1120 (iii) how sharing the data is permitted under federal or state law; and

- 1121 (c) without disclosing personally identifiable student data, is displayed on the
1122 education entity's website.
- 1123 (12) "Necessary student data" means data required by state statute or federal law to
1124 conduct the regular activities of an education entity, including:
- 1125 (a) name;
 - 1126 (b) date of birth;
 - 1127 (c) sex;
 - 1128 (d) parent contact information;
 - 1129 (e) custodial parent information;
 - 1130 (f) contact information;
 - 1131 (g) a student identification number;
 - 1132 (h) local, state, and national assessment results or an exception from taking a local,
1133 state, or national assessment;
 - 1134 (i) courses taken and completed, credits earned, and other transcript information;
 - 1135 (j) course grades and grade point average;
 - 1136 (k) grade level and expected graduation date or graduation cohort;
 - 1137 (l) degree, diploma, credential attainment, and other school exit information;
 - 1138 (m) attendance and mobility;
 - 1139 (n) drop-out data;
 - 1140 (o) immunization record or an exception from an immunization record;
 - 1141 (p) race;
 - 1142 (q) ethnicity;
 - 1143 (r) tribal affiliation;
 - 1144 (s) remediation efforts;
 - 1145 (t) an exception from a vision screening required under Section [53G-9-404](#) or
1146 information collected from a vision screening described in Section [53G-9-404](#);
 - 1147 (u) information related to the Utah Registry of Autism and Developmental Disabilities,
1148 described in Section [26-7-4](#);

- 1149 (v) student injury information;
- 1150 (w) a disciplinary record created and maintained as described in Section [53E-9-306](#);
- 1151 (x) juvenile delinquency records;
- 1152 (y) English language learner status; and
- 1153 (z) child find and special education evaluation data related to initiation of an IEP.
- 1154 (13) (a) "Optional student data" means student data that is not:
 - 1155 (i) necessary student data; or
 - 1156 (ii) student data that an education entity may not collect under Section [53E-9-305](#).
- 1157 (b) "Optional student data" includes:
 - 1158 (i) information that is:
 - 1159 (A) related to an IEP or needed to provide special needs services; and
 - 1160 (B) not necessary student data;
 - 1161 (ii) biometric information; and
 - 1162 (iii) information that is not necessary student data and that is required for a student to
 - 1163 participate in a federal or other program.
- 1164 (14) "Parent" means:
 - 1165 (a) a student's parent;
 - 1166 (b) a student's legal guardian; or
 - 1167 (c) an individual who has written authorization from a student's parent or legal
 - 1168 guardian to act as a parent or legal guardian on behalf of the student.
- 1169 (15) (a) "Personally identifiable student data" means student data that identifies or is
- 1170 used by the holder to identify a student.
 - 1171 (b) "Personally identifiable student data" includes:
 - 1172 (i) a student's first and last name;
 - 1173 (ii) the first and last name of a student's family member;
 - 1174 (iii) a student's or a student's family's home or physical address;
 - 1175 (iv) a student's email address or other online contact information;
 - 1176 (v) a student's telephone number;

- 1177 (vi) a student's social security number;
- 1178 (vii) a student's biometric identifier;
- 1179 (viii) a student's health or disability data;
- 1180 (ix) a student's education entity student identification number;
- 1181 (x) a student's social media user name and password or alias;
- 1182 (xi) if associated with personally identifiable student data, the student's persistent
- 1183 identifier, including:
 - 1184 (A) a customer number held in a cookie; or
 - 1185 (B) a processor serial number;
 - 1186 (xii) a combination of a student's last name or photograph with other information that
 - 1187 together permits a person to contact the student online;
 - 1188 (xiii) information about a student or a student's family that a person collects online and
 - 1189 combines with other personally identifiable student data to identify the student; and
 - 1190 (xiv) information that, alone or in combination, is linked or linkable to a specific
 - 1191 student that would allow a reasonable person in the school community, who does not have
 - 1192 personal knowledge of the relevant circumstances, to identify the student with reasonable
 - 1193 certainty.
- 1194 (16) "School official" means an employee or agent of an education entity, if the
- 1195 education entity has authorized the employee or agent to request or receive student data on
- 1196 behalf of the education entity.
- 1197 (17) (a) "Student data" means information about a student at the individual student
- 1198 level.
- 1199 (b) "Student data" does not include aggregate or de-identified data.
- 1200 (18) "Student data manager" means:
- 1201 (a) the state student data officer; or
- 1202 (b) an individual designated as a student data manager by an education entity under
- 1203 Section [53E-9-303](#), who fulfills the duties described in Section [53E-9-308](#).
- 1204 (19) (a) "Targeted advertising" means presenting advertisements to a student where the

1205 advertisement is selected based on information obtained or inferred over time from that
1206 student's online behavior, usage of applications, or student data.

1207 (b) "Targeted advertising" does not include advertising to a student:

1208 (i) at an online location based upon that student's current visit to that location; or

1209 (ii) in response to that student's request for information or feedback, without retention
1210 of that student's online activities or requests over time for the purpose of targeting subsequent
1211 ads.

1212 (20) "Third-party contractor" means a person who:

1213 (a) is not an education entity; and

1214 (b) pursuant to a contract with an education entity, collects or receives student data in
1215 order to provide a product or service, as described in the contract, if the product or service is
1216 not related to school photography, yearbooks, graduation announcements, or a similar product
1217 or service.

1218 (21) "Written consent" means written authorization to collect or share a student's
1219 student data, from:

1220 (a) the student's parent, if the student is not an adult student; or

1221 (b) the student, if the student is an adult student.

1222 Section 28. Section **53E-9-302** is amended to read:

1223 **53E-9-302. State student data protection governance.**

1224 (1) (a) An education entity or a third-party contractor who collects, uses, stores, shares,
1225 or deletes student data shall protect student data as described in this part.

1226 (b) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1227 Act, the state board shall make rules to administer this part, including student data protection
1228 standards for public education employees, student aides, and volunteers.

1229 (2) The state board shall oversee the preparation and maintenance of:

1230 (a) a statewide data governance plan; and

1231 (b) a state-level metadata dictionary.

1232 (3) As described in this Subsection (3), the state board shall establish advisory groups

1233 to oversee student data protection in the state and make recommendations to the state board
1234 regarding student data protection.

1235 (a) The state board shall establish a student data policy advisory group:

1236 (i) composed of members from:

1237 (A) the Legislature;

1238 (B) the state board and state board employees; and

1239 (C) one or more LEAs;

1240 (ii) to discuss and make recommendations to the state board regarding:

1241 (A) enacted or proposed legislation; and

1242 (B) state and local student data protection policies across the state;

1243 (iii) that reviews and monitors the state student data governance plan; and

1244 (iv) that performs other tasks related to student data protection as designated by the
1245 state board.

1246 (b) The state board shall establish a student data governance advisory group:

1247 (i) composed of the state student data officer and other state board employees; and

1248 (ii) that performs duties related to state and local student data protection, including:

1249 (A) overseeing data collection and usage by state board program offices; and

1250 (B) preparing and maintaining the state board's student data governance plan under the
1251 direction of the student data policy advisory group.

1252 (c) The state board shall establish a student data users advisory group:

1253 (i) composed of members who use student data at the local level; and

1254 (ii) that provides feedback and suggestions on the practicality of actions proposed by
1255 the student data policy advisory group and the student data governance advisory group.

1256 (4) (a) The state board shall designate a state student data officer.

1257 (b) The state student data officer shall:

1258 (i) act as the primary point of contact for state student data protection administration in
1259 assisting the state board to administer this part;

1260 (ii) ensure compliance with student privacy laws throughout the public education

1261 system, including:

1262 (A) providing training and support to applicable state board and LEA employees; and

1263 (B) producing resource materials, model plans, and model forms for local student data

1264 protection governance, including a model student data collection notice;

1265 (iii) investigate complaints of alleged violations of this part;

1266 (iv) report violations of this part to:

1267 (A) the state board;

1268 (B) an applicable education entity; and

1269 (C) the student data policy advisory group; and

1270 (v) act as a state level student data manager.

1271 (5) The state board shall designate:

1272 (a) at least one support manager to assist the state student data officer; and

1273 (b) a student data protection auditor to assist the state student data officer.

1274 (6) The state board shall establish a research review process for a request for data for

1275 the purpose of research or evaluation.

1276 Section 29. Section **53E-9-304** is amended to read:

1277 **53E-9-304. Student data ownership and access -- Notification in case of**
1278 **significant data breach.**

1279 (1) (a) A student owns the student's personally identifiable student data.

1280 (b) An education entity shall allow the following individuals to access a student's
1281 student data that is maintained by the education entity:

1282 (i) the student's parent;

1283 (ii) the student; and

1284 (iii) in accordance with the education entity's internal policy described in Section
1285 **53E-9-303** and in the absence of a parent, an individual acting as a parent to the student.

1286 (2) (a) If a significant data breach occurs at an education entity, the education entity
1287 shall notify:

1288 (i) the student, if the student is an adult student; or

1289 (ii) the student's parent, if the student is not an adult student.

1290 (b) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

1291 Act, the state board shall make rules to define a significant data breach described in Subsection

1292 (2)(a).

1293 Section 30. Section **53E-9-306** is amended to read:

1294 **53E-9-306. Using and expunging student data -- Rulemaking -- Disciplinary**

1295 **records.**

1296 (1) In accordance with Title 63G, Chapter 2, Government Records Access and

1297 Management Act, and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state

1298 board shall make rules regarding using and expunging student data, including:

1299 (a) a categorization of disciplinary records that includes the following levels of

1300 maintenance:

1301 (i) one year;

1302 (ii) three years; and

1303 (iii) in accordance with Subsection (3), as determined by the education entity;

1304 (b) the types of student data that may be expunged, including:

1305 (i) medical records; and

1306 (ii) behavioral test assessments;

1307 (c) the types of student data that may not be expunged, including:

1308 (i) grades;

1309 (ii) transcripts;

1310 (iii) a record of the student's enrollment; and

1311 (iv) assessment information; and

1312 (d) the timeline and process for a prior student or parent of a prior student to request

1313 that an education entity expunge all of the prior student's student data.

1314 (2) In accordance with state board rule, an education entity may create and maintain a

1315 disciplinary record for a student.

1316 (3) (a) As recognized in Section **53E-9-304**, and to ensure maximum student data

1317 privacy, an education entity shall, in accordance with state board rule, expunge a student's
1318 student data that is stored by the education entity.

1319 (b) An education entity shall retain and dispose of records in accordance with Section
1320 63G-2-604 and state board rule.

1321 Section 31. Section 53E-9-307 is amended to read:

1322 **53E-9-307. Securing and cataloguing student data.**

1323 [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1324 the state board shall make rules that:

1325 (1) using reasonable data industry best practices, prescribe the maintenance and
1326 protection of stored student data by:

1327 (a) an education entity;

1328 (b) the Utah Registry of Autism and Developmental Disabilities, described in Section
1329 26-7-4, for student data obtained under Section 53E-9-308; and

1330 (c) a third-party contractor; and

1331 (2) state requirements for an education entity's metadata dictionary.

1332 Section 32. Section 53E-10-703 is amended to read:

1333 **53E-10-703. ULEAD director -- Qualification and employment -- Duties --**
1334 **Reporting -- Annual conference.**

1335 (1) The ULEAD director shall:

1336 (a) (i) hold a doctorate degree in education or an equivalent degree; and

1337 (ii) have demonstrated experience in research and dissemination of best practices in
1338 education; and

1339 (b) (i) be a full-time employee; and

1340 (ii) report to the state superintendent.

1341 (2) The state superintendent shall:

1342 (a) evaluate the director's performance annually;

1343 (b) report on the director's performance to the selection committee; and

1344 (c) provide space for the director and the director's staff.

1345 (3) The director may hire staff, using only money specifically appropriated to ULEAD.

1346 (4) The director shall perform the following duties and functions:

1347 (a) gather current research on innovative and effective practices in K-12 education for
1348 use by policymakers and practitioners;

1349 (b) facilitate collaboration between LEAs, higher education researchers, and
1350 practitioners by:

1351 (i) sharing innovative and effective practices shown to improve student learning;

1352 (ii) identifying experts in specific areas of practice; and

1353 (iii) maintaining a research clearinghouse and directory of researchers; and

1354 (c) analyze barriers to replication or adaption of innovative and successful practices
1355 studied by ULEAD or contributed to the ULEAD research clearinghouse.

1356 (5) The director shall:

1357 (a) prioritize reports and other research based on recommendations of the steering
1358 committee in accordance with Subsection 53E-10-707(5), and after consulting with individuals
1359 described in Subsection 53E-10-707(6);

1360 (b) identify Utah LEAs, or schools outside the public school system, that are:

1361 (i) innovative in specific areas of practice; and

1362 (ii) more effective or efficient than comparable LEAs in improving student learning;

1363 (c) establish criteria for innovative practice reports to be performed by participating
1364 institutions and included in the research clearinghouse, including report templates;

1365 (d) arrange with participating institutions to generate innovative practice reports on
1366 effective and innovative K-12 education practices; and

1367 (e) (i) disseminate each innovative practice report to LEAs; and

1368 (ii) publish innovative practice reports on the ULEAD website.

1369 (6) In an innovative practice report, a participating institution shall:

1370 (a) include or reference a review of research regarding the practice in which the subject
1371 LEA has demonstrated success;

1372 (b) identify through academically acceptable, evidence-based research methods the

- 1373 causes of the LEA's successful practice;
- 1374 (c) identify opportunities for LEAs to adopt or customize innovative or best practices;
- 1375 (d) address limitations to successful replication or adaptation of the successful practice
- 1376 by other LEAs, which may include barriers arising from federal or state law, state or LEA
- 1377 policy, socioeconomic conditions, or funding limitations;
- 1378 (e) include practical templates for successful replication and adaptation of successful
- 1379 practices, following criteria established by the director;
- 1380 (f) identify experts in the successful practice that is the subject of the innovative
- 1381 practice report, including teachers or administrators at the subject LEA; and
- 1382 (g) include:
- 1383 (i) an executive summary describing the innovative practice report; and
- 1384 (ii) a video component or other elements designed to ensure that an innovative practice
- 1385 report is readily understandable by practitioners.
- 1386 (7) The director may, if requested by an LEA leader or policymaker, conduct an
- 1387 evidence-based review of a possible innovation in an area of practice.
- 1388 (8) The director may also accept innovative practice reports from trained practitioners
- 1389 that meet the criteria set by the director.
- 1390 (9) The director or a participating institution, to enable successful replication or
- 1391 adaption of successful practices, may recommend to:
- 1392 (a) the Legislature, amendments to state law; or
- 1393 (b) the state board, revisions to state board rule, made in accordance with Title 63G,
- 1394 Chapter 3, Utah Administrative Rulemaking Act, or policy.
- 1395 (10) The director shall:
- 1396 (a) report on the activities of ULEAD annually to the state board; and
- 1397 (b) provide reports or other information to the state board upon state board request.
- 1398 (11) The director shall:
- 1399 (a) prepare an annual report on ULEAD research and other activities;
- 1400 (b) submit the report in accordance with Section [53E-1-201](#) and [53E-1-202](#);

- 1401 (c) publish the annual report on the ULEAD website; and
- 1402 (d) disseminate the report to LEAs through electronic channels.
- 1403 (12) The director shall facilitate and conduct an annual conference on successful and
- 1404 innovative K-12 education practices, featuring:
- 1405 (a) Utah education leaders; and
- 1406 (b) practitioners and researchers, chosen by the director, to discuss the subjects of LEA
- 1407 and other ULEAD activities, or other innovative and successful education practices.

1408 Section 33. Section **53E-10-705** is amended to read:

1409 **53E-10-705. Participating institutions.**

- 1410 (1) The director may arrange or collaborate with a participating institution:
- 1411 (a) to conduct an innovative practice report or provide other research services,
- 1412 including research regarding barriers to adoption of practices studied by ULEAD;
- 1413 (b) to assist an LEA to:
- 1414 (i) facilitate communities of practice for replication or adaptation of best practices
- 1415 identified by ULEAD; and
- 1416 (ii) advise teachers and school leaders on conducting their own research to improve
- 1417 education practices;
- 1418 (c) to assist an LEA with an application to the state board for waiver from a state board
- 1419 rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in
- 1420 accordance with Section **53G-7-202** to allow replication or adaptation of best practices; or
- 1421 (d) for any other purpose that is consistent with and advances the director's duties and
- 1422 functions.
- 1423 (2) An agreement entered into by a participating institution with the state board or an
- 1424 LEA to perform ULEAD work shall:
- 1425 (a) include provisions allowing and governing external research data sharing; and
- 1426 (b) comply with state and federal law.
- 1427 (3) The director shall support federal and private research funding requests by a
- 1428 participating institution for research that is in support of the director's duties and functions.

1429 Section 34. Section **53F-2-303** is amended to read:

1430 **53F-2-303. Foreign exchange student weighted pupil units.**

1431 (1) A school district or charter school may include foreign exchange students in the
1432 district's or school's membership and attendance count for the purpose of apportionment of
1433 state money, except as provided in Subsections (2) through (4).

1434 (2) (a) Notwithstanding Section **53F-2-302**, foreign exchange students may not be
1435 included in average daily membership for the purpose of determining the number of weighted
1436 pupil units in the grades 1-12 basic program.

1437 (b) Subject to the limitation in Subsection (3), the number of weighted pupil units in
1438 the grades 1-12 basic program attributed to foreign exchange students shall be equal to the
1439 number of foreign exchange students who were:

1440 (i) enrolled in a school district or charter school on October 1 of the previous fiscal
1441 year; and

1442 (ii) sponsored by an agency approved by the district's local school board or charter
1443 school's governing board.

1444 (3) (a) The total number of foreign exchange students in the state that may be counted
1445 for the purpose of apportioning state money under Subsection (2) shall be the lesser of:

1446 (i) the number of foreign exchange students enrolled in public schools in the state on
1447 October 1 of the previous fiscal year; or

1448 (ii) 328 foreign exchange students.

1449 (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
1450 Administrative Rulemaking Act, to administer the cap on the number of foreign exchange
1451 students that may be counted for the purpose of apportioning state money under Subsection (2).

1452 (4) Notwithstanding Section **53F-2-601**, weighted pupil units in the grades 1-12 basic
1453 program for foreign exchange students, as determined by Subsections (2) and (3), may not be
1454 included for the purposes of determining a school district's state guarantee money under
1455 Section **53F-2-601**.

1456 Section 35. Section **53F-2-304** is amended to read:

1457 **53F-2-304. Necessarily existent small schools -- Computing additional weighted**
1458 **pupil units -- Consolidation of small schools.**

1459 (1) As used in this section, "necessarily existent small schools funding balance" means
1460 the difference between:

1461 (a) the amount appropriated for the necessarily existent small schools program in a
1462 fiscal year; and

1463 (b) the amount distributed to school districts for the necessarily existent small schools
1464 program in the same fiscal year.

1465 (2) (a) Upon application by a local school board, the state board shall, in consultation
1466 with the local school board, classify schools in the school district as necessarily existent small
1467 schools, in accordance with this section and state board rules adopted under Subsection (3).

1468 (b) An application must be submitted to the state board before April 2, and the state
1469 board must report a decision to a local school board before June 2.

1470 (3) The state board shall adopt standards and make rules, in accordance with Title 63G,
1471 Chapter 3, Utah Administrative Rulemaking Act, to:

1472 (a) govern the approval of necessarily existent small schools consistent with principles
1473 of efficiency and economy that serve the purpose of eliminating schools where consolidation is
1474 feasible by participation in special school units; and

1475 (b) ensure that school districts are not building secondary schools in close proximity to
1476 one another where economy and efficiency would be better served by one school meeting the
1477 needs of secondary students in a designated geographical area.

1478 (4) A one or two-year secondary school that has received necessarily existent small
1479 school money under this section prior to July 1, 2000, may continue to receive such money in
1480 subsequent years.

1481 (5) The state board shall prepare and publish objective standards and guidelines for
1482 determining which small schools are necessarily existent after consultation with local school
1483 boards.

1484 (6) (a) Additional weighted pupil units for schools classified as necessarily existent

1485 small schools shall be computed using regression formulas adopted by the state board.

1486 (b) The regression formulas establish the following maximum sizes for funding under
1487 the necessarily existent small school program:

1488 (i) an elementary school 160

1489 (ii) a one or two-year secondary school 300

1490 (iii) a three-year secondary school 450

1491 (iv) a four-year secondary school 500

1492 (v) a six-year secondary school 600

1493 (c) Schools with fewer than 10 students shall receive the same add-on weighted pupil
1494 units as schools with 10 students.

1495 (d) The state board shall prepare and distribute an allocation table based on the
1496 regression formula to each school district.

1497 (7) (a) To avoid penalizing a school district financially for consolidating the school
1498 district's small schools, additional weighted pupil units may be allowed a school district each
1499 year, not to exceed two years.

1500 (b) The additional weighted pupil units may not exceed the difference between what
1501 the school district receives for a consolidated school and what the school district would have
1502 received for the small schools had the small schools not been consolidated.

1503 (8) Subject to legislative appropriation, the state board shall give first priority from an
1504 appropriation made under this section to funding an expense approved by the state board as
1505 described in Subsection [53G-6-305\(3\)\(a\)](#).

1506 (9) (a) Subject to Subsection (9)(b) and after a distribution made under Subsection (8),
1507 the state board may distribute a portion of necessarily existent small schools funding in
1508 accordance with a formula adopted by the state board that considers the tax effort of a local
1509 school board.

1510 (b) The amount distributed in accordance with Subsection (9)(a) may not exceed the
1511 necessarily existent small schools fund in balance of the prior fiscal year.

1512 (10) A local school board may use the money allocated under this section for

1513 maintenance and operation of school programs or for other school purposes as approved by the
 1514 state board.

1515 Section 36. Section **53F-2-305** is amended to read:

1516 **53F-2-305. Professional staff weighted pupil units.**

1517 (1) Professional staff weighted pupil units are computed and distributed in accordance
 1518 with the following schedule:

1519 (a) Professional Staff Cost Formula

1520	Years of Experience	Bachelor's Degree	Bachelor's +30 Qt. Hr.	Master's Degree	Master's +45 Qt. Hr.	Doctorate
1521	1	1.00	1.05	1.10	1.15	1.20
1522	2	1.05	1.10	1.15	1.20	1.25
1523	3	1.10	1.15	1.20	1.25	1.30
1524	4	1.15	1.20	1.25	1.30	1.35
1525	5	1.20	1.25	1.30	1.35	1.40
1526	6	1.25	1.30	1.35	1.40	1.45
1527	7	1.30	1.35	1.40	1.45	1.50
1528	8	1.35	1.40	1.45	1.50	1.55
1529	9			1.50	1.55	1.60
1530	10				1.60	1.65
1531	11					1.70

1532 (b) Multiply the number of full-time or equivalent professional personnel in each
 1533 applicable experience category in Subsection (1)(a) by the applicable weighting factor.

1534 (c) Divide the total of Subsection (1)(b) by the number of professional personnel
 1535 included in Subsection (1)(b) and reduce the quotient by 1.00.

1536 (d) Multiply the result of Subsection (1)(c) by 1/4 of the weighted pupil units computed
 1537 in accordance with Sections [53F-2-302](#) and [53F-2-304](#).

1538 (2) The state board shall enact rules in accordance with Title 63G, Chapter 3, Utah
1539 Administrative Rulemaking Act, that require a certain percentage of a school district's or
1540 charter school's professional staff to be certified in the area in which the staff teaches in order
1541 for the school district or charter school to receive full funding under the schedule.

1542 (3) If an individual's teaching experience is a factor in negotiating a contract of
1543 employment to teach in the state's public schools, then the LEA governing board is encouraged
1544 to accept as credited experience all of the years the individual has taught in the state's public
1545 schools.

1546 Section 37. Section **53F-2-307** is amended to read:

1547 **53F-2-307. Weighted pupil units for programs for students with disabilities --**
1548 **Local school board allocation.**

1549 (1) The number of weighted pupil units for students with disabilities shall reflect the
1550 direct cost of programs for those students conducted in accordance with rules established by the
1551 state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1552 (2) Disability program money allocated to school districts or charter schools is
1553 restricted and shall be spent for the education of students with disabilities but may include
1554 expenditures for approved programs of services conducted for certified instructional personnel
1555 who have students with disabilities in their classes.

1556 (3) The state board shall establish and strictly interpret definitions and provide
1557 standards for determining which students have disabilities and shall assist school districts and
1558 charter schools in determining the services that should be provided to students with disabilities.

1559 (4) Each year the state board shall evaluate the standards and guidelines that establish
1560 the identifying criteria for disability classifications to assure strict compliance with those
1561 standards by the school districts and charter schools.

1562 (5) (a) Money appropriated to the state board for add-on WPU for students with
1563 disabilities enrolled in regular programs shall be allocated to school districts and charter
1564 schools as provided in this Subsection (5).

1565 (b) The state board shall use a school district's or charter school's average number of

1566 special education add-on weighted pupil units determined by the previous five year's average
1567 daily membership data as a foundation for the special education add-on appropriation.

1568 (c) A school district's or charter school's special education add-on WPU's for the
1569 current year may not be less than the foundation special education add-on WPU's.

1570 (d) Growth WPU's shall be added to the prior year special education add-on WPU's, and
1571 growth WPU's shall be determined as follows:

1572 (i) The special education student growth factor is calculated by comparing S-3 total
1573 special education ADM of two years previous to the current year to the S-3 total special
1574 education ADM three years previous to the current year, not to exceed the official October total
1575 school district growth factor from the prior year.

1576 (ii) When calculating and applying the growth factor, a school district's S-3 total
1577 special education ADM for a given year is limited to 12.18% of the school district's S-3 total
1578 student ADM for the same year.

1579 (iii) Growth ADM's are calculated by applying the growth factor to the S-3 total special
1580 education ADM of two years previous to the current year.

1581 (iv) Growth ADM's for each school district or each charter school are multiplied by
1582 1.53 weighted pupil units and added to the prior year special education add-on WPU to
1583 determine each school district's or each charter school's total allocation.

1584 (6) If money appropriated under this chapter for programs for students with disabilities
1585 does not meet the costs of school districts and charter schools for those programs, each school
1586 district and each charter school shall first receive the amount generated for each student with a
1587 disability under the basic program.

1588 Section 38. Section **53F-2-309** is amended to read:

1589 **53F-2-309. Appropriation for intensive special education costs.**

1590 (1) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
1591 Rulemaking Act, make rules establishing a distribution formula to allocate money appropriated
1592 to the state board for Special Education -- Intensive Services that allocate to an LEA:

1593 (a) 50% of the appropriation based on the highest cost students with disabilities; and

1594 (b) 50% of the appropriation based on the highest impact to an LEA due to high cost
1595 students with disabilities.

1596 (2) The state board shall allocate money appropriated to the state board for Special
1597 Education -- Intensive Services in accordance with rules described in Subsection (1).

1598 Section 39. Section **53F-2-404** is amended to read:

1599 **53F-2-404. School LAND Trust Program distribution of funds.**

1600 (1) (a) By appropriation the Legislature shall fund the School LAND Trust Program,
1601 established in Section **53G-7-1206**, on or before July 31 of each fiscal year:

1602 (i) from the Trust Distribution Account, created in Section **53F-9-201**; and

1603 (ii) except as provided in Subsection (1)(b), in the total amount of the quarterly
1604 deposits made to the Trust Distribution Account for the School LAND Trust Program during
1605 the prior fiscal year.

1606 (b) The amount described in Subsection (1)(a)(ii) may not exceed an amount equal to
1607 3% of the funds provided for the Minimum School Program, in accordance with this chapter,
1608 each fiscal year.

1609 (c) Independently from the appropriation for the School LAND Trust Program
1610 described in Subsection (1)(a), the Legislature shall make an annual appropriation to the state
1611 board from the Trust Distribution Account, created in Section **53F-9-201**, for the
1612 administration of the School LAND Trust Program.

1613 (d) Any unused balance remaining from an amount appropriated under Subsection
1614 (1)(c) shall be deposited into the Trust Distribution Account.

1615 (2) (a) The state board shall allocate the money referred to in Subsection (1)(a)
1616 annually as follows:

1617 (i) the Utah Schools for the Deaf and the Blind shall receive funding equal to the
1618 product of:

1619 (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the
1620 Blind divided by enrollment on October 1 in the prior year in public schools statewide; and

1621 (B) the total amount available for distribution under Subsection (1)(a);

- 1622 (ii) charter schools shall receive funding equal to the product of:
- 1623 (A) charter school enrollment on October 1 in the prior year, divided by enrollment on
- 1624 October 1 in the prior year in public schools statewide; and
- 1625 (B) the total amount available for distribution under Subsection (1)(a); and
- 1626 (iii) of the funds available for distribution under Subsection (1)(a) after the allocation
- 1627 of funds for the Utah Schools for the Deaf and the Blind and charter schools:
- 1628 (A) school districts shall receive 10% of the funds on an equal basis; and
- 1629 (B) the remaining 90% of the funds shall be distributed to school districts on a per
- 1630 student basis.
- 1631 (b) (i) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative
- 1632 Rulemaking Act, the state board shall make rules specifying a formula to distribute the amount
- 1633 allocated under Subsection (2)(a)(ii) to charter schools.
- 1634 (ii) In making rules under Subsection (2)(b)(i), the state board shall:
- 1635 (A) consult with the State Charter School Board; and
- 1636 (B) ensure that the rules include a provision that allows a charter school in the charter
- 1637 school's first year of operations to receive funding based on projected enrollment, to be
- 1638 adjusted in future years based on actual enrollment.
- 1639 (c) A school district shall distribute its allocation under Subsection (2)(a)(iii) to each
- 1640 school within the school district on an equal per student basis.
- 1641 (d) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 1642 Act, the state board may make rules regarding the time and manner in which the student count
- 1643 shall be made for allocation of the money under Subsection (2)(a)(iii).
- 1644 Section 40. Section **53F-2-405** is amended to read:
- 1645 **53F-2-405. Educator salary adjustments.**
- 1646 (1) As used in this section, "educator" means a person employed by a school district,
- 1647 charter school, or the Utah Schools for the Deaf and the Blind who holds:
- 1648 (a) a license issued by the state board; and
- 1649 (b) a position as a:

- 1650 (i) classroom teacher;
- 1651 (ii) speech pathologist;
- 1652 (iii) librarian or media specialist;
- 1653 (iv) preschool teacher;
- 1654 (v) mentor teacher;
- 1655 (vi) teacher specialist or teacher leader;
- 1656 (vii) guidance counselor;
- 1657 (viii) audiologist;
- 1658 (ix) psychologist; or
- 1659 (x) social worker.

1660 (2) In recognition of the need to attract and retain highly skilled and dedicated
1661 educators, the Legislature shall annually appropriate money for educator salary adjustments,
1662 subject to future budget constraints.

1663 (3) Money appropriated to the state board for educator salary adjustments shall be
1664 distributed to school districts, charter schools, and the Utah Schools for the Deaf and the Blind
1665 in proportion to the number of full-time-equivalent educator positions in a school district, a
1666 charter school, or the Utah Schools for the Deaf and the Blind as compared to the total number
1667 of full-time-equivalent educator positions in school districts, charter schools, and the Utah
1668 Schools for the Deaf and the Blind.

1669 (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind
1670 shall award bonuses to educators as follows:

1671 (a) the amount of the salary adjustment shall be the same for each full-time-equivalent
1672 educator position in the school district, charter school, or the Utah Schools for the Deaf and the
1673 Blind;

1674 (b) an individual who is not a full-time educator shall receive a partial salary
1675 adjustment based on the number of hours the individual works as an educator; and

1676 (c) a salary adjustment may be awarded only to an educator who has received a
1677 satisfactory rating or above on the educator's most recent evaluation.

1678 (5) The state board may make rules as necessary to administer this section in
1679 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1680 (6) (a) Subject to future budget constraints, the Legislature shall appropriate sufficient
1681 money each year to:

1682 (i) maintain educator salary adjustments provided in prior years; and

1683 (ii) provide educator salary adjustments to new employees.

1684 (b) Money appropriated for educator salary adjustments shall include money for the
1685 following employer-paid benefits:

1686 (i) retirement;

1687 (ii) worker's compensation;

1688 (iii) social security; and

1689 (iv) Medicare.

1690 (7) (a) Subject to future budget constraints, the Legislature shall:

1691 (i) maintain the salary adjustments provided to school administrators in the 2007-08
1692 school year; and

1693 (ii) provide salary adjustments for new school administrators in the same amount as
1694 provided for existing school administrators.

1695 (b) The appropriation provided for educator salary adjustments shall include salary
1696 adjustments for school administrators as specified in Subsection (7)(a).

1697 (c) In distributing and awarding salary adjustments for school administrators, the state
1698 board, a school district, a charter school, or the Utah Schools for the Deaf and the Blind shall
1699 comply with the requirements for the distribution and award of educator salary adjustments as
1700 provided in Subsections (3) and (4).

1701 Section 41. Section **53F-2-409** is amended to read:

1702 **53F-2-409. Concurrent enrollment funding.**

1703 (1) The terms defined in Section **53E-10-301** apply to this section.

1704 (2) The state board shall allocate money appropriated for concurrent enrollment in
1705 accordance with this section.

1706 (3) (a) The state board shall allocate money appropriated for concurrent enrollment in
1707 proportion to the number of credit hours earned for courses taken where:

1708 (i) an LEA primarily bears the cost of instruction; and

1709 (ii) an institution of higher education primarily bears the cost of instruction.

1710 (b) From the money allocated under Subsection (3)(a)(i), the state board shall
1711 distribute:

1712 (i) 60% of the money to LEAs; and

1713 (ii) 40% of the money to the State Board of Regents.

1714 (c) From the money allocated under Subsection (3)(a)(ii), the state board shall
1715 distribute:

1716 (i) 40% of the money to LEAs; and

1717 (ii) 60% of the money to the State Board of Regents.

1718 (d) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah
1719 Administrative Rulemaking Act, providing for the distribution of the money to LEAs under
1720 Subsections (3)(b)(i) and (3)(c)(i).

1721 (e) The State Board of Regents shall make rules, in accordance with Title 63G, Chapter
1722 3, Utah Administrative Rulemaking Act, providing for the distribution of the money allocated
1723 to institutions of higher education under Subsections (3)(b)(ii) and (3)(c)(ii).

1724 (4) Subject to budget constraints, the Legislature shall annually increase the money
1725 appropriated for concurrent enrollment in proportion to the percentage increase over the
1726 previous school year in:

1727 (a) kindergarten through grade 12 student enrollment; and

1728 (b) the value of the weighted pupil unit.

1729 (5) If an LEA receives an allocation of less than \$10,000 under this section, the LEA
1730 may use the allocation as described in Section [53F-2-206](#).

1731 Section 42. Section **53F-2-415** is amended to read:

1732 **53F-2-415. Student health and counseling support -- Qualifying personnel --**
1733 **Distribution formula -- Rulemaking.**

1734 (1) As used in this section, "qualifying personnel" means a school counselor or other
1735 counselor, school psychologist or other psychologist, school social worker or other social
1736 worker, or school nurse who:

1737 (a) is licensed; and

1738 (b) collaborates with educators and a student's parent on:

1739 (i) early identification and intervention of the student's academic and mental health
1740 needs; and

1741 (ii) removing barriers to learning and developing skills and behaviors critical for the
1742 student's academic achievement.

1743 (2) (a) Subject to legislative appropriations, and in accordance with Subsection (2)(b),
1744 the state board shall distribute money appropriated under this section to LEAs to provide in a
1745 school targeted school-based mental health support, including clinical services and
1746 trauma-informed care, through employing or entering into contracts for services provided by
1747 qualifying personnel.

1748 (b) (i) The state board shall, after consulting with LEA governing boards, develop a
1749 formula to distribute money appropriated under this section to LEAs.

1750 (ii) The state board shall ensure that the formula described in Subsection (2)(b)(i)
1751 incentivizes an LEA to provide school-based mental health support in collaboration with the
1752 local mental health authority of the county in which the LEA is located.

1753 (3) To qualify for money under this section, an LEA shall submit to the state board a
1754 plan that includes:

1755 (a) measurable goals approved by the LEA governing board on improving student
1756 safety, student engagement, school culture, or academic achievement;

1757 (b) how the LEA intends to meet the goals described in Subsection (3)(a) through the
1758 use of the money;

1759 (c) how the LEA is meeting the requirements related to parent education described in
1760 Section [53G-9-703](#); and

1761 (d) whether the LEA intends to provide school-based mental health support in

1762 collaboration with the local mental health authority of the county in which the LEA is located.

1763 (4) The state board shall distribute money appropriated under this section to an LEA
1764 that qualifies under Subsection (3):

1765 (a) based on the formula described in Subsection (2)(b); and

1766 (b) in an amount of money that the LEA equally matches using local or unrestricted
1767 state money.

1768 (5) An LEA may not use money distributed by the state board under this section to
1769 supplant federal, state, or local money previously allocated to employ or enter into contracts for
1770 services provided by qualified personnel.

1771 (6) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1772 Act, the state board shall make rules that establish:

1773 (a) procedures for submitting a plan for and distributing money under this section;

1774 (b) the formula the state board will use to distribute money to LEAs described in
1775 Subsection (2)(b); and

1776 (c) in accordance with Subsection (7), annual reporting requirements for an LEA that
1777 receives money under this section.

1778 (7) An LEA that receives money under this section shall submit an annual report to the
1779 state board, including:

1780 (a) progress toward achieving the goals submitted under Subsection (3)(a);

1781 (b) if the LEA discontinues a qualifying personnel position, the LEA's reason for
1782 discontinuing the position; and

1783 (c) how the LEA, in providing school-based mental health support, complies with the
1784 provisions of Section [53E-9-203](#).

1785 (8) Beginning on or before July 1, 2019, the state board shall provide training that
1786 instructs school personnel on the impact of childhood trauma on student learning, including
1787 information advising educators against practicing medicine, giving a diagnosis, or providing
1788 treatment.

1789 (9) The state board may use up to 2% of an appropriation under this section for costs

1790 related to the administration of the provisions of this section.

1791 (10) Notwithstanding the provisions of this section, money appropriated under this
1792 section may be used, as determined by the state board, for:

1793 (a) the SafeUT Crisis Line described in Section 53B-17-1202; or

1794 (b) youth suicide prevention programs described in Section 53G-9-702.

1795 Section 43. Section 53F-2-416 is amended to read:

1796 **53F-2-416. Appropriation and distribution for the Teacher and Student Success**
1797 **Program.**

1798 (1) The terms defined in Section 53G-7-1301 apply to this section.

1799 (2) Subject to future budget constraints, the Legislature shall annually appropriate
1800 money from the Teacher and Student Success Account described in Section 53F-9-306 to the
1801 state board for the Teacher and Student Success Program.

1802 (3) Except as provided in Subsection (5)(a), the state board shall calculate an amount to
1803 distribute to an LEA that is the product of:

1804 (a) the percentage of weighted pupil units in the LEA compared to the total number of
1805 weighted pupil units for all LEAs in the state; and

1806 (b) the amount of the appropriation described in Subsection (2), less the amount
1807 calculated, in accordance with state board rule, for:

1808 (i) an LEA that is in the LEA's first year of operation; and

1809 (ii) the Utah Schools for the Deaf and the Blind.

1810 (4) The state board shall distribute to an LEA an amount calculated for the LEA as
1811 described in Subsection (3) if the LEA governing board of the LEA has submitted an LEA
1812 governing board student success framework as required by the program.

1813 (5) In accordance with this section ~~[and]~~, Title 53G, Chapter 7, Part 13, Teacher and
1814 Student Success Program, and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1815 state board:

1816 (a) shall make rules to calculate an LEA distribution for:

1817 (i) an LEA that is in the LEA's first year of operation; and

1818 (ii) the Utah Schools for the Deaf and the Blind, taking into account all students who
1819 receive services from the Utah Schools for the Deaf and the Blind, regardless of whether a
1820 student is enrolled in another LEA; and

1821 (b) may make rules to distribute funds as described in this section.

1822 Section 44. Section 53F-2-417 is amended to read:

1823 **53F-2-417. Rural school district transportation grants.**

1824 (1) Subject to legislative appropriations and Subsection (2), the state board shall award
1825 a grant for a school district to provide:

1826 (a) transportation to students who are not eligible for state-supported transportation
1827 under Section 53F-2-403;

1828 (b) transportation for students to and from student activities and field trips; or

1829 (c) replacement school buses.

1830 (2) The state board may only award a grant described in Subsection (1) to a school
1831 district that:

1832 (a) qualifies for transportation money under Section 53F-2-403;

1833 (b) is located in a county of the fourth, fifth, or sixth class, as defined in Section
1834 17-50-501;

1835 (c) provides matching money, from the school district's board local levy described in
1836 Section 53F-8-302, in an amount equal to the grant the school district receives from the state
1837 board under this section; and

1838 (d) dedicates the total grant and matching money to a transportation purpose described
1839 in Subsection (1).

1840 (3) The state board shall determine the amount of a grant to award a school district
1841 based on the prior-year miles traveled for purposes described in Subsections (1)(a) and (b).

1842 (4) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1843 Act, the state board shall make rules to establish, for a grant described in this section,
1844 procedures for:

1845 (a) a school district to apply for a grant; and

1846 (b) awarding a grant.

1847 Section 45. Section **53F-2-502** is amended to read:

1848 **53F-2-502. Dual language immersion.**

1849 (1) As used in this section:

1850 (a) "Dual language immersion" means an instructional setting in which a student
1851 receives a portion of instruction in English and a portion of instruction exclusively in a partner
1852 language.

1853 (b) "Local education agency" or "LEA" means a school district or a charter school.

1854 (c) "Participating LEA" means an LEA selected by the state board to receive a grant
1855 described in this section.

1856 (d) "Partner language" means a language other than English in which instruction is
1857 provided in dual language immersion.

1858 (2) The state board shall:

1859 (a) establish a dual language immersion program;

1860 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1861 make rules that establish:

1862 (i) a grant program for an LEA to receive funding for dual language immersion;

1863 (ii) the required qualifications for an LEA to be a participating LEA;

1864 (iii) subject to this section, requirements of a participating LEA;

1865 (iv) a proficiency assessment for each partner language; and

1866 (v) a progression of how a school in a participating LEA adds grade levels in which the
1867 school offers dual language immersion;

1868 (c) subject to legislative appropriations:

1869 (i) select participating LEAs; and

1870 (ii) award to a participating LEA a grant to support dual language immersion in the
1871 LEA; and

1872 (d) report to a legislative committee on the results of a proficiency assessment
1873 described in Subsection (2)(b)(iv) upon request.

1874 (3) A participating LEA shall:

1875 (a) establish in a school a full-day dual language immersion instructional model that
1876 provides at least 50% of instruction exclusively in a partner language;

1877 (b) in accordance with the state board rules described in Subsection (2)(b), add grades
1878 in which dual language immersion is provided in a school; and

1879 (c) annually administer to each student in grades 3 through 8 who participates in dual
1880 language immersion an assessment described in Subsection (2)(b)(iv).

1881 (4) The state board shall:

1882 (a) provide support to a participating LEA, including by:

1883 (i) offering professional learning for dual language immersion educators;

1884 (ii) developing curriculum related to dual language immersion; or

1885 (iii) providing instructional support for a partner language;

1886 (b) conduct a program evaluation of the dual language immersion program established
1887 under Subsection (2)(a); and

1888 (c) on or before November 1, 2019, report to the Education Interim Committee and the
1889 Public Education Appropriations Subcommittee on the results of the program evaluation
1890 described in Subsection (4)(b).

1891 (5) The state board may, in accordance with Title 63G, Chapter 6a, Utah Procurement
1892 Code, contract with a third party to conduct the program evaluation described in Subsection
1893 (4)(b).

1894 Section 46. Section **53F-2-503** is amended to read:

1895 **53F-2-503. Early Literacy Program -- Literacy proficiency plan.**

1896 (1) As used in this section:

1897 (a) "Program" means the Early Literacy Program.

1898 (b) "Program money" means:

1899 (i) school district revenue allocated to the program from other money available to the
1900 school district, except money provided by the state, for the purpose of receiving state funds
1901 under this section; and

- 1902 (ii) money appropriated by the Legislature to the program.
- 1903 (2) The Early Literacy Program consists of program money and is created to
1904 supplement other school resources for early literacy.
- 1905 (3) Subject to future budget constraints, the Legislature may annually appropriate
1906 money to the Early Literacy Program.
- 1907 (4) (a) An LEA governing board of a school district or a charter school that serves
1908 students in any of grades kindergarten through grade 3 shall submit a plan to the state board for
1909 literacy proficiency improvement that incorporates the following components:
- 1910 (i) core instruction in:
- 1911 (A) phonological awareness;
- 1912 (B) phonics;
- 1913 (C) fluency;
- 1914 (D) comprehension;
- 1915 (E) vocabulary;
- 1916 (F) oral language; and
- 1917 (G) writing;
- 1918 (ii) intervention strategies that are aligned to student needs;
- 1919 (iii) professional development for classroom teachers, literacy coaches, and
1920 interventionists in kindergarten through grade 3;
- 1921 (iv) assessments that support adjustments to core and intervention instruction;
- 1922 (v) a growth goal for the school district or charter school that:
- 1923 (A) is based upon student learning gains as measured by benchmark assessments
1924 administered pursuant to Section [53E-4-307](#); and
- 1925 (B) includes a target of at least 60% of all students in grades 1 through 3 meeting the
1926 growth goal;
- 1927 (vi) at least two goals that are specific to the school district or charter school that:
- 1928 (A) are measurable;
- 1929 (B) address current performance gaps in student literacy based on data; and

1930 (C) include specific strategies for improving outcomes; and
1931 (vii) if a school uses interactive literacy software, the use of interactive literacy
1932 software, including early interactive reading software described in Section [53F-4-203](#).
1933 (b) An LEA governing board shall approve a plan described in Subsection (4)(a) in a
1934 public meeting before submitting the plan to the state board.
1935 (c) The state board shall provide model plans that an LEA governing board may use, or
1936 an LEA governing board may develop the LEA governing board's own plan.
1937 (d) A plan developed by an LEA governing board shall be approved by the state board.
1938 (e) The state board shall develop uniform standards for acceptable growth goals that an
1939 LEA governing board adopts for a school district or charter school as described in this
1940 Subsection (4).
1941 (5) (a) There are created within the Early Literacy Program three funding programs:
1942 (i) the Base Level Program;
1943 (ii) the Guarantee Program; and
1944 (iii) the Low Income Students Program.
1945 (b) The state board may use up to \$7,500,000 from an appropriation described in
1946 Subsection (3) for computer-assisted instructional learning and assessment programs.
1947 (6) Money appropriated to the state board for the Early Literacy Program and not used
1948 by the state board for computer-assisted instructional learning and assessments described in
1949 Subsection (5)(b) shall be allocated to the three funding programs as follows:
1950 (a) 8% to the Base Level Program;
1951 (b) 46% to the Guarantee Program; and
1952 (c) 46% to the Low Income Students Program.
1953 (7) (a) For a school district or charter school to participate in the Base Level Program,
1954 the LEA governing board shall submit a plan described in Subsection (4) and shall receive
1955 approval of the plan from the state board.
1956 (b) (i) The local school board of a school district qualifying for Base Level Program
1957 funds and the charter school governing boards of qualifying elementary charter schools

1958 combined shall receive a base amount.

1959 (ii) The base amount for the qualifying elementary charter schools combined shall be
1960 allocated among each charter school in an amount proportionate to:

1961 (A) each existing charter school's prior year fall enrollment in grades kindergarten
1962 through grade 3; and

1963 (B) each new charter school's estimated fall enrollment in grades kindergarten through
1964 grade 3.

1965 (8) (a) A local school board that applies for program money in excess of the Base Level
1966 Program funds may choose to first participate in the Guarantee Program or the Low Income
1967 Students Program.

1968 (b) A school district shall fully participate in either the Guarantee Program or the Low
1969 Income Students Program before the local school board may elect for the school district to
1970 either fully or partially participate in the other program.

1971 (c) For a school district to fully participate in the Guarantee Program, the local school
1972 board shall allocate to the program money available to the school district, except money
1973 provided by the state, equal to the amount of revenue that would be generated by a tax rate of
1974 .000056.

1975 (d) For a school district to fully participate in the Low Income Students Program, the
1976 local school board shall allocate to the program money available to the school district, except
1977 money provided by the state, equal to the amount of revenue that would be generated by a tax
1978 rate of .000065.

1979 (e) (i) The state board shall verify that a local school board allocates the money
1980 required in accordance with Subsections (8)(c) and (d) before the state board distributes funds
1981 in accordance with this section.

1982 (ii) The State Tax Commission shall provide the state board the information the state
1983 board needs in order to comply with Subsection (8)(e)(i).

1984 (9) (a) Except as provided in Subsection (9)(c), the local school board of a school
1985 district that fully participates in the Guarantee Program shall receive state funds in an amount

1986 that is:

1987 (i) equal to the difference between \$21 multiplied by the school district's total WPU's
1988 and the revenue the local school board is required to allocate under Subsection (8)(c) for the
1989 school district to fully participate in the Guarantee Program; and

1990 (ii) not less than \$0.

1991 (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive
1992 under the Guarantee Program an amount equal to \$21 times the elementary charter school's
1993 total WPU's.

1994 (c) The state board may adjust the \$21 guarantee amount described in Subsections
1995 (9)(a) and (b) to account for actual appropriations and money used by the state board for
1996 computer-assisted instructional learning and assessments.

1997 (10) The state board shall distribute Low Income Students Program funds in an amount
1998 proportionate to the number of students in each school district or charter school who qualify for
1999 free or reduced price school lunch multiplied by two.

2000 (11) A school district that partially participates in the Guarantee Program or Low
2001 Income Students Program shall receive program funds based on the amount of school district
2002 revenue allocated to the program as a percentage of the amount of revenue that could have been
2003 allocated if the school district had fully participated in the program.

2004 (12) (a) An LEA governing board shall use program money for early literacy
2005 interventions and supports in kindergarten through grade 3 that have proven to significantly
2006 increase the percentage of students who are proficient in literacy, including:

2007 (i) evidence-based intervention curriculum;

2008 (ii) literacy assessments that identify student learning needs and monitor learning
2009 progress; or

2010 (iii) focused literacy interventions that may include:

2011 (A) the use of reading specialists or paraprofessionals;

2012 (B) tutoring;

2013 (C) before or after school programs;

2014 (D) summer school programs; or

2015 (E) the use of interactive computer software programs for literacy instruction and
2016 assessments for students.

2017 (b) An LEA governing board may use program money for portable technology devices
2018 used to administer literacy assessments.

2019 (c) Program money may not be used to supplant funds for existing programs, but may
2020 be used to augment existing programs.

2021 (13) (a) An LEA governing board shall annually submit a report to the state board
2022 accounting for the expenditure of program money in accordance with the LEA governing
2023 board's plan described in Subsection (4).

2024 (b) If an LEA governing board uses program money in a manner that is inconsistent
2025 with Subsection (12), the school district or charter school is liable for reimbursing the state
2026 board for the amount of program money improperly used, up to the amount of program money
2027 received from the state board.

2028 (14) (a) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative
2029 Rulemaking Act, the state board shall make rules to implement the program.

2030 (b) (i) The rules under Subsection (14)(a) shall require each LEA governing board to
2031 annually report progress in meeting goals described in Subsections (4)(a)(v) and (vi), including
2032 the strategies the school district or charter school uses to address the goals.

2033 (ii) If a school district or charter school does not meet or exceed the school district's or
2034 charter school's goals described in Subsection (4)(a)(v) or (vi), the LEA governing board shall
2035 prepare a new plan that corrects deficiencies.

2036 (iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the state
2037 board before the LEA governing board receives an allocation for the next year.

2038 (15) (a) The state board shall:

2039 (i) develop strategies to provide support for a school district or charter school that fails
2040 to meet a goal described in Subsection (4)(a)(v) or (vi); and

2041 (ii) provide increasing levels of support to a school district or charter school that fails

2042 to meet a goal described in Subsection (4)(a)(v) or (vi) for two consecutive years.

2043 (b) (i) The state board shall use a digital reporting platform to provide information to
2044 school districts and charter schools about interventions that increase proficiency in literacy.

2045 (ii) The digital reporting platform shall include performance information for a school
2046 district or charter school on the goals described in Subsections (4)(a)(v) and (vi).

2047 (16) The state board may use up to 3% of the funds appropriated by the Legislature to
2048 carry out the provisions of this section for administration of the program.

2049 (17) The state board shall make an annual report in accordance with Section [53E-1-203](#)
2050 that:

2051 (a) includes information on:

2052 (i) student learning gains in early literacy for the past school year and the five-year
2053 trend;

2054 (ii) the percentage of grade 3 students who are proficient in English language arts in the
2055 past school year and the five-year trend;

2056 (iii) the progress of school districts and charter schools in meeting goals described in a
2057 plan described in Subsection (4)(a); and

2058 (iv) the specific strategies or interventions used by school districts or charter schools
2059 that have significantly improved early grade literacy proficiency; and

2060 (b) may include recommendations on how to increase the percentage of grade 3
2061 students who are proficient in English language arts, including how to use a strategy or
2062 intervention described in Subsection (17)(a)(iv) to improve literacy proficiency for additional
2063 students.

2064 (18) The report described in Subsection (17) shall include information provided
2065 through the digital reporting platform described in Subsection (15)(b).

2066 Section 47. Section **53F-2-506** is amended to read:

2067 **53F-2-506. Beverley Taylor Sorenson Elementary Arts Learning Program.**

2068 (1) As used in this section:

2069 (a) "Endowed chair" means a person who holds an endowed position or administrator

2070 of an endowed program for the purpose of arts and integrated arts instruction at an endowed
2071 university.

2072 (b) "Endowed university" means an institution of higher education in the state that:

2073 (i) awards elementary education degrees in arts instruction;

2074 (ii) has received a major philanthropic donation for the purpose of arts and integrated
2075 arts instruction; and

2076 (iii) has created an endowed position as a result of a donation described in Subsection
2077 (1)(b)(ii).

2078 (c) "Integrated arts advocate" means a person who:

2079 (i) advocates for arts and integrated arts instruction in the state; and

2080 (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed
2081 chair.

2082 (2) The Legislature finds that a strategic placement of arts in elementary education can
2083 impact the critical thinking of students in other core subject areas, including mathematics,
2084 reading, and science.

2085 (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to
2086 enhance the social, emotional, academic, and arts learning of students in kindergarten through
2087 grade 6 by integrating arts teaching and learning into core subject areas and providing
2088 professional development for positions that support elementary arts and integrated arts
2089 education.

2090 (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
2091 Learning Program, and subject to Subsection (5), the state board shall, after consulting with
2092 endowed chairs and the integrated arts advocate and receiving their recommendations,
2093 administer a grant program to enable LEAs to:

2094 (a) hire highly qualified arts specialists, art coordinators, and other positions that
2095 support arts education and arts integration;

2096 (b) provide up to \$10,000 in one-time funds for each new school arts specialist
2097 described under Subsection (4)(a) to purchase supplies and equipment; and

2098 (c) engage in other activities that improve the quantity and quality of integrated arts
2099 education.

2100 (5) (a) An LEA that receives a grant under Subsection (4) shall provide matching funds
2101 of no less than 20% of the grant amount, including no less than 20% of the grant amount for
2102 actual salary and benefit costs per full-time equivalent position funded under Subsection (4)(a).

2103 (b) An LEA may not:

2104 (i) include administrative, facility, or capital costs to provide the matching funds
2105 required under Subsection (5)(a); or

2106 (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to
2107 supplant funds for existing programs.

2108 (6) An LEA that receives a grant under this section shall partner with an endowed chair
2109 to provide professional development in integrated elementary arts education.

2110 (7) From money appropriated for the Beverley Taylor Sorenson Elementary Arts
2111 Learning Program, the state board shall administer a grant program to fund activities within
2112 arts and the integrated arts programs at an endowed university in the college where the
2113 endowed chair resides to:

2114 (a) provide high quality professional development in elementary integrated arts
2115 education in accordance with the professional learning standards in Section [53G-11-303](#) to
2116 LEAs that receive a grant under Subsection (4);

2117 (b) design and conduct research on:

2118 (i) elementary integrated arts education and instruction;

2119 (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts
2120 Learning Program; and

2121 (iii) effectiveness of the professional development under Subsection (7)(a); and

2122 (c) provide the public with integrated elementary arts education resources.

2123 (8) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah
2124 Administrative Rulemaking Act, to administer the Beverley Taylor Sorenson Elementary Arts
2125 Learning Program.

2126 Section 48. Section **53F-2-508** is amended to read:

2127 **53F-2-508. Student Leadership Skills Development Program.**

2128 (1) For purposes of this section, "program" means the Student Leadership Skills
2129 Development Program created in Subsection (2).

2130 (2) There is created the Student Leadership Skills Development Program to develop
2131 student behaviors and skills that enhance a school's learning environment and are vital for
2132 success in a career, including:

- 2133 (a) communication skills;
- 2134 (b) teamwork skills;
- 2135 (c) interpersonal skills;
- 2136 (d) initiative and self-motivation;
- 2137 (e) goal setting skills;
- 2138 (f) problem solving skills; and
- 2139 (g) creativity.

2140 (3) (a) The state board shall administer the program and award grants to elementary
2141 schools that apply for a grant on a competitive basis.

2142 (b) The state board may award a grant of:

- 2143 (i) up to \$10,000 per school for the first year a school participates in the program; and
- 2144 (ii) up to \$20,000 per school for subsequent years a school participates in the program.

2145 (c) (i) After awarding a grant to a school for a particular year, the state board may not
2146 change the grant amount awarded to the school for that year.

2147 (ii) The state board may award a school a different amount in subsequent years.

2148 (4) An elementary school may participate in the program established under this section
2149 in accordance with state board rules made in accordance with Title 63G, Chapter 3, Utah
2150 Administrative Rulemaking Act.

2151 (5) In selecting elementary schools to participate in the program, the state board shall:

- 2152 (a) require a school in the first year the school participates in the program to provide
2153 matching funds or an in-kind contribution of goods or services in an amount equal to the grant

2154 the school receives from the state board;

2155 (b) require a school to participate in the program for two years; and

2156 (c) give preference to Title I schools or schools in need of academic improvement.

2157 (6) The state board shall make the following information related to the grants described

2158 in Subsection (3) publicly available on the state board's website:

2159 (a) reimbursement procedures that clearly define how a school may spend grant money

2160 and how the state board will reimburse the school;

2161 (b) the period of time a school is permitted to spend grant money;

2162 (c) criteria for selecting a school to receive a grant; and

2163 (d) a list of schools that receive a grant and the amount of each school's grant.

2164 (7) A school that receives a grant described in Subsection (3) shall:

2165 (a) (i) set school-wide goals for the school's student leadership skills development

2166 program; and

2167 (ii) require each student to set personal goals; and

2168 (b) provide the following to the state board after the first school year of implementation

2169 of the program:

2170 (i) evidence that the grant money was used for the purpose of purchasing or developing

2171 the school's own student leadership skills development program; and

2172 (ii) a report on the effectiveness and impact of the school's student leadership skills

2173 development program on student behavior and academic results as measured by:

2174 (A) a reduction in truancy;

2175 (B) assessments of academic achievement;

2176 (C) a reduction in incidents of student misconduct or disciplinary actions; and

2177 (D) the achievement of school-wide goals and students' personal goals.

2178 (8) After participating in the program for two years, a school may not receive

2179 additional grant money in subsequent years if the school fails to demonstrate an improvement

2180 in student behavior and academic achievement as measured by the data reported under

2181 Subsection (7)(b).

2182 Section 49. Section **53F-2-510** is amended to read:

2183 **53F-2-510. Digital Teaching and Learning Grant Program.**

2184 (1) As used in this section:

2185 (a) "Advisory committee" means the committee established by the state board under
2186 Subsection ~~(9)~~ (7)(b).

2187 (b) "Digital readiness assessment" means an assessment provided by the state board
2188 that:

2189 (i) is completed by an LEA analyzing an LEA's readiness to incorporate comprehensive
2190 digital teaching and learning; and

2191 (ii) informs the preparation of an LEA's plan for incorporating comprehensive digital
2192 teaching and learning.

2193 (c) "High quality professional learning" means the professional learning standards
2194 described in Section **53G-11-303**.

2195 (d) "Implementation assessment" means an assessment that analyzes an LEA's
2196 implementation of an LEA plan, including identifying areas for improvement, obstacles to
2197 implementation, progress toward the achievement of stated goals, and recommendations going
2198 forward.

2199 (e) "LEA plan" means an LEA's plan to implement a digital teaching and learning
2200 program that meets the requirements of this section and requirements set forth by the state
2201 board and the advisory committee.

2202 (f) "Program" means the Digital Teaching and Learning Grant Program created and
2203 described in Subsections (6) through (11).

2204 (g) "Utah Education and Telehealth Network" or "UETN" means the Utah Education
2205 and Telehealth Network created in Section **53B-17-105**.

2206 (2) (a) The state board shall establish a digital teaching and learning task force to
2207 develop a funding proposal to present to the Legislature for digital teaching and learning in
2208 elementary and secondary schools.

2209 (b) The digital teaching and learning task force shall include representatives of:

- 2210 (i) the state board;
- 2211 (ii) UETN;
- 2212 (iii) LEAs; and
- 2213 (iv) the Governor's Education Excellence Commission.
- 2214 (3) As funding allows, the state board shall develop a master plan for a statewide
- 2215 digital teaching and learning program, including the following:
- 2216 (a) a statement of purpose that describes the objectives or goals the state board will
- 2217 accomplish by implementing a digital teaching and learning program;
- 2218 (b) a forecast for fundamental components needed to implement a digital teaching and
- 2219 learning program, including a forecast for:
- 2220 (i) student and teacher devices;
- 2221 (ii) Wi-Fi and wireless compatible technology;
- 2222 (iii) curriculum software;
- 2223 (iv) assessment solutions;
- 2224 (v) technical support;
- 2225 (vi) change management of LEAs;
- 2226 (vii) high quality professional learning;
- 2227 (viii) Internet delivery and capacity; and
- 2228 (ix) security and privacy of users;
- 2229 (c) a determination of the requirements for:
- 2230 (i) statewide technology infrastructure; and
- 2231 (ii) local LEA technology infrastructure;
- 2232 (d) standards for high quality professional learning related to implementing and
- 2233 maintaining a digital teaching and learning program;
- 2234 (e) a statewide technical support plan that will guide the implementation and
- 2235 maintenance of a digital teaching and learning program, including standards and competency
- 2236 requirements for technical support personnel;
- 2237 (f) (i) a grant program for LEAs; or

- 2238 (ii) a distribution formula to fund LEA digital teaching and learning programs;
- 2239 (g) in consultation with UETN, an inventory of the state public education system's
- 2240 current technology resources and other items and a plan to integrate those resources into a
- 2241 digital teaching and learning program;
- 2242 (h) an ongoing evaluation process that is overseen by the state board;
- 2243 (i) proposed rules that incorporate the principles of the master plan into the state's
- 2244 public education system as a whole; and
- 2245 (j) a plan to ensure long-term sustainability that:
- 2246 (i) accounts for the financial impacts of a digital teaching and learning program; and
- 2247 (ii) facilitates the redirection of LEA savings that arise from implementing a digital
- 2248 teaching and learning program.
- 2249 (4) UETN shall:
- 2250 (a) in consultation with the state board, conduct an inventory of the state public
- 2251 education system's current technology resources and other items as determined by UETN,
- 2252 including software;
- 2253 (b) perform an engineering study to determine the technology infrastructure needs of
- 2254 the public education system to implement a digital teaching and learning program, including
- 2255 the infrastructure needed for the state board, UETN, and LEAs; and
- 2256 (c) as funding allows, provide infrastructure and technology support for school districts
- 2257 and charter schools.
- 2258 (5) Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school
- 2259 within an LEA, shall annually complete a digital readiness assessment.
- 2260 (6) There is created the Digital Teaching and Learning Grant Program to improve
- 2261 educational outcomes in public schools by effectively incorporating comprehensive digital
- 2262 teaching and learning technology.
- 2263 (7) The state board shall:
- 2264 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 2265 adopt rules for the administration of the program, including rules requiring:

2266 (i) an LEA plan to include measures to ensure that the LEA monitors and implements
2267 technology with best practices, including the recommended use for effectiveness;

2268 (ii) an LEA plan to include robust goals for learning outcomes and appropriate
2269 measurements of goal achievement;

2270 (iii) an LEA to demonstrate that the LEA plan can be fully funded by grant funds or a
2271 combination of grant and local funds; and

2272 (iv) an LEA to report on funds from expenses previous to the implementation of the
2273 LEA plan that the LEA has redirected after implementation;

2274 (b) establish an advisory committee to make recommendations on the program and
2275 LEA plan requirements and report to the state board; and

2276 (c) in accordance with this section, approve LEA plans and award grants.

2277 (8) (a) The state board shall, subject to legislative appropriations, award a grant to an
2278 LEA:

2279 (i) that submits an LEA plan that meets the requirements described in Subsection (9);
2280 and

2281 (ii) for which the LEA's leadership and management members have completed a digital
2282 teaching and learning leadership and implementation training as provided in Subsection (8)(b).

2283 (b) The state board or its designee shall provide the training described in Subsection
2284 (8)(a)(ii).

2285 (9) The state board shall establish requirements of an LEA plan that shall include:

2286 (a) the results of the LEA's digital readiness assessment and a proposal to remedy an
2287 obstacle to implementation or other issues identified in the assessment;

2288 (b) a proposal to provide high quality professional learning for educators in the use of
2289 digital teaching and learning technology;

2290 (c) a proposal for leadership training and management restructuring, if necessary, for
2291 successful implementation;

2292 (d) clearly identified targets for improved student achievement, student learning, and
2293 college readiness through digital teaching and learning; and

2294 (e) any other requirement established by the state board in rule made in accordance
2295 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including an application
2296 process and metrics to analyze the quality of a proposed LEA plan.

2297 (10) The state board or the state board's designee shall establish an interactive
2298 dashboard available to each LEA that is awarded a grant for the LEA to track and report the
2299 LEA's long-term, intermediate, and direct outcomes in realtime and for the LEA to use to
2300 create customized reports.

2301 (11) (a) There is no federal funding, federal requirement, federal education agreement,
2302 or national program included or related to this state adopted program.

2303 (b) Any inclusion of federal funding, federal requirement, federal education agreement,
2304 or national program shall require separate express approval as provided in Title 53E, Chapter 3,
2305 Part 8, Implementing Federal or National Education Programs.

2306 (12) (a) An LEA that receives a grant as part of the program shall:

2307 (i) subject to Subsection (12)(b), complete an implementation assessment for each year
2308 that the LEA is expending grant money; and

2309 (ii) (A) report the findings of the implementation assessment to the state board; and

2310 (B) submit to the state board a plan to resolve issues raised in the implementation
2311 assessment.

2312 (b) Each school within the LEA shall:

2313 (i) complete an implementation assessment; and

2314 (ii) submit a compilation report that meets the requirements described in Subsections
2315 (12)(a)(ii)(A) and (B).

2316 (13) The state board or the state board's designee shall review an implementation
2317 assessment and review each participating LEA's progress from the previous year, as applicable.

2318 (14) The state board shall establish interventions for an LEA that does not make
2319 progress on implementation of the LEA's implementation plan, including:

2320 (a) nonrenewal of, or time period extensions for, the LEA's grant;

2321 (b) reduction of funds; or

2322 (c) other interventions to assist the LEA.

2323 (15) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state board
2324 shall contract with an independent evaluator to:

2325 (a) annually evaluate statewide direct and intermediate outcomes beginning the first
2326 year that grants are awarded, including baseline data collection for long-term outcomes;

2327 (b) in the fourth year after a grant is awarded, and each year thereafter, evaluate
2328 statewide long-term outcomes; and

2329 (c) report on the information described in Subsections (15)(a) and (b) to the state
2330 board.

2331 (16) (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter
2332 6a, Utah Procurement Code, or other agreement with one or more providers of technology
2333 powered learning solutions and one or more providers of wireless networking solutions may be
2334 entered into by:

2335 (i) UETN, in cooperation with or on behalf of, as applicable, the state board, the state
2336 board's designee, or an LEA; or

2337 (ii) an LEA.

2338 (b) A contract or agreement entered into under Subsection (16)(a) may be a contract or
2339 agreement that:

2340 (i) UETN enters into with a provider and payment for services is directly appropriated
2341 by the Legislature, as funds are available, to UETN;

2342 (ii) UETN enters into with a provider and pays for the provider's services and is
2343 reimbursed for payments by an LEA that benefits from the services;

2344 (iii) UETN negotiates the terms of on behalf of an LEA that enters into the contract or
2345 agreement directly with the provider and the LEA pays directly for the provider's services; or

2346 (iv) an LEA enters into directly, pays a provider, and receives preapproved
2347 reimbursement from a UETN fund established for this purpose.

2348 (c) If an LEA does not reimburse UETN in a reasonable time for services received
2349 under a contract or agreement described in Subsection (16)(b), the state board shall pay the

2350 balance due to UETN from the LEA's funds received under Title 53F, Chapter 2, State Funding
2351 -- Minimum School Program.

2352 (d) If UETN negotiates or enters into an agreement as described in Subsection
2353 (16)(b)(ii) or (16)(b)(iii), and UETN enters into an additional agreement with an LEA that is
2354 associated with the agreement described in Subsection (16)(b)(ii) or (16)(b)(iii), the associated
2355 agreement may be treated by UETN and the LEA as a cooperative procurement, as that term is
2356 defined in Section [63G-6a-103](#), regardless of whether the associated agreement satisfies the
2357 requirements of Section [63G-6a-2105](#).

2358 Section 50. Section **53F-2-511** is amended to read:

2359 **53F-2-511. Reimbursement Program for Early Graduation From**
2360 **Competency-Based Education.**

2361 (1) As used in this section:

2362 (a) "Cohort" means a group of students, defined by the year in which the group enters
2363 grade 9.

2364 (b) "Eligible LEA" means an LEA that has demonstrated to the state board that the
2365 LEA or, for a school district, a school within the LEA, provides and facilitates
2366 competency-based education that:

2367 (i) is based on the core principles described in Section [53F-5-502](#); and

2368 (ii) meets other criteria established by the state board in rule made in accordance with
2369 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2370 (c) "Eligible student" means an individual who:

2371 (i) attended an eligible LEA and graduated by completing graduation requirements, as
2372 described in Section [53E-4-204](#), earlier than that individual's cohort completed graduation
2373 requirements because of the individual's participation in the eligible LEA's competency-based
2374 education;

2375 (ii) no longer attends the eligible LEA; and

2376 (iii) is not included in the LEA's average daily membership under this chapter.

2377 (d) "Partial pupil" means if an eligible student attends less than a full year of

2378 membership, the number of days the student was in membership compared to a full
2379 membership year.

2380 (e) "Program" means the Reimbursement Program for Early Graduation From
2381 Competency-Based Education established in this section.

2382 (2) (a) There is established the Reimbursement Program for Early Graduation From
2383 Competency-Based Education.

2384 (b) Subject to future budget constraints, the Legislature may annually appropriate
2385 money to the Reimbursement Program for Early Graduation From Competency-Based
2386 Education.

2387 (3) An LEA may apply to the state board to receive a reimbursement, as described in
2388 Subsection (5), for an eligible student.

2389 (4) The state board shall approve a reimbursement to an LEA after the LEA
2390 demonstrates:

2391 (a) that the LEA is an eligible LEA; and

2392 (b) that the individual for whom the eligible LEA requests reimbursement is an eligible
2393 student.

2394 (5) (a) For each eligible student, the state board shall only reimburse an eligible LEA:

2395 (i) if the eligible student attended the eligible LEA for less than a full school year
2396 before the eligible student's cohort graduated, up to the value of one weighted pupil unit pro
2397 rated based on the difference between:

2398 (A) the number of days of partial pupil in average daily membership earned by the
2399 eligible LEA while the eligible student was still in attendance; and

2400 (B) a full pupil in average daily membership; and

2401 (ii) the value of one weighted pupil unit for each full school year the eligible student
2402 graduated ahead of the eligible student's cohort.

2403 (b) The state board shall:

2404 (i) use data from the prior year average daily membership to determine the number of
2405 eligible students; and

2406 (ii) reimburse the eligible LEA in the current school year.

2407 (6) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
2408 Rulemaking Act, adopt rules to administer the provisions of this section.

2409 Section 51. Section **53F-2-512** is amended to read:

2410 **53F-2-512. Appropriation for accommodation plans for students with Section 504**
2411 **accommodations.**

2412 (1) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah
2413 Administrative Rulemaking Act, that establish a reimbursement program that:

2414 (a) distributes any money appropriated to the state board for Special Education --
2415 Section 504 Accommodations;

2416 (b) allows an LEA to apply for reimbursement of the costs of services that:

2417 (i) an LEA renders to a student with a Section 504 accommodation plan; and

2418 (ii) exceed 150% of the average cost of a general education student; and

2419 (c) provides for a pro-rated reimbursement based on the amount of reimbursement
2420 applications received during a given fiscal year and the amount of money appropriated to the
2421 state board that fiscal year.

2422 (2) Beginning with the 2018-19 school year, the state board shall allocate money
2423 appropriated to the state board for Special Education -- Section 504 Accommodations in
2424 accordance with the rules described in Subsection (1).

2425 Section 52. Section **53F-2-513** is amended to read:

2426 **53F-2-513. Effective Teachers in High Poverty Schools Incentive Program --**
2427 **Salary bonus -- Evaluation.**

2428 (1) As used in this section:

2429 (a) "Cohort" means a group of students, defined by the year in which the group enters
2430 grade 1.

2431 (b) "Eligible teacher" means a teacher who:

2432 (i) is employed as a teacher in a high poverty school at the time the teacher is
2433 considered by the state board for a salary bonus; and

2434 (ii) achieves a median growth percentile of 70 or higher:
2435 (A) a full school year before the school year the eligible teacher is being considered by
2436 the state board for a salary bonus under this section, regardless of whether the teacher was
2437 employed the previous school year by a high poverty school or a different public school; and
2438 (B) while teaching at any public school in the state a course for which a standards
2439 assessment is administered as described in Section [53E-4-303](#).
2440 (c) "High poverty school" means a public school:
2441 (i) in which:
2442 (A) more than 20% of the enrolled students are classified as children affected by
2443 intergenerational poverty; or
2444 (B) 70% or more of the enrolled students qualify for free or reduced lunch; or
2445 (ii) (A) that has previously met the criteria described in Subsection (1)(c)(i)(A) and for
2446 each school year since meeting that criteria at least 15% of the enrolled students at the public
2447 school have been classified as children affected by intergenerational poverty; or
2448 (B) that has previously met the criteria described in Subsection (1)(c)(i)(B) and for
2449 each school year since meeting that criteria at least 60% of the enrolled students at the public
2450 school have qualified for free or reduced lunch.
2451 (d) "Intergenerational poverty" means the same as that term is defined in Section
2452 [35A-9-102](#).
2453 (e) "Median growth percentile" means a number that describes the comparative
2454 effectiveness of a teacher in helping the teacher's students achieve growth in a year by
2455 identifying the median student growth percentile of all the students a teacher instructs.
2456 (f) "Program" means the Effective Teachers in High Poverty Schools Incentive
2457 Program created in Subsection (2).
2458 (g) "Student growth percentile" is a number that describes where a student ranks in
2459 comparison to the student's cohort.
2460 (2) (a) The Effective Teachers in High Poverty Schools Incentive Program is created to
2461 provide an annual salary bonus for an eligible teacher.

2462 (b) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
2463 Rulemaking Act, make rules for:

- 2464 (i) the administration of the program;
- 2465 (ii) payment of a salary bonus; and
- 2466 (iii) application requirements.

2467 (c) The state board shall make an annual salary bonus payment in a fiscal year that
2468 begins on July 1, 2017, and each fiscal year thereafter in which money is appropriated for the
2469 program.

2470 (3) (a) Subject to future budget constraints, the Legislature shall annually appropriate
2471 money to fund the program.

2472 (b) Money appropriated for the program shall include money for the following
2473 employer-paid benefits:

- 2474 (i) social security; and
- 2475 (ii) Medicare.

2476 (4) (a) (i) A charter school or school district school shall annually apply to the state
2477 board on behalf of an eligible teacher for an eligible teacher to receive an annual salary bonus
2478 each year that the teacher is an eligible teacher.

2479 (ii) A teacher need not be an eligible teacher in consecutive years to receive the
2480 increased annual salary bonus described in Subsection (4)(b).

2481 (b) The annual salary bonus for an eligible teacher is \$5,000.

2482 (c) A public school that applies on behalf of an eligible teacher under Subsection
2483 (4)(a)(i) shall pay half of the salary bonus described in Subsection (4)(b) each year the eligible
2484 teacher is awarded the salary bonus.

2485 (d) The state board shall award a salary bonus to an eligible teacher based on the order
2486 that an application from a public school on behalf of the eligible teacher is received.

2487 (5) The state board shall:

- 2488 (a) determine if a teacher is an eligible teacher; and
- 2489 (b) verify, as needed, the determinations made under Subsection (5)(a) with the school

2490 district and school district administrators.

2491 (6) The state board shall:

2492 (a) distribute money from the program to school districts and charter schools in
2493 accordance with this section and state board rule; and

2494 (b) include the employer-paid benefits described in Subsection (3)(b) in addition to the
2495 salary bonus amount described in Subsection (4)(b).

2496 (7) Money received from the program shall be used by a school district or charter
2497 school to provide an annual salary bonus equal to the amount specified in Subsection (4)(b) for
2498 each eligible teacher and to pay affiliated employer-paid benefits described in Subsection
2499 (3)(b).

2500 (8) (a) After the third year salary bonus payments are made, and each succeeding year,
2501 the state board shall evaluate the extent to which a salary bonus described in this section
2502 improves recruitment and retention of effective teachers in high poverty schools by at least:

2503 (i) surveying teachers who receive the salary bonus; and

2504 (ii) examining turnover rates of teachers who receive the salary bonus compared to
2505 teachers who do not receive the salary bonus.

2506 (b) Each year that the state board conducts an evaluation described in Subsection
2507 (8)(a), the state board shall, in accordance with Section 68-3-14, submit a report on the results
2508 of the evaluation to the Education Interim Committee on or before November 30.

2509 (9) A public school shall annually notify a teacher:

2510 (a) of the teacher's median growth percentile; and

2511 (b) how the teacher's median growth percentile is calculated.

2512 (10) Notwithstanding this section, if the appropriation for the program is insufficient to
2513 cover the costs associated with salary bonuses, the state board may limit or reduce a salary
2514 bonus.

2515 Section 53. Section **53F-2-514** is amended to read:

2516 **53F-2-514. Job enhancements for mathematics, science, technology, and special**
2517 **education training.**

2518 (1) As used in this section, "special education teacher" includes occupational therapist.

2519 (2) The Public Education Job Enhancement Program is established to attract, train, and
2520 retain highly qualified:

2521 (a) secondary teachers with expertise in mathematics, physics, chemistry, physical
2522 science, learning technology, or information technology;

2523 (b) special education teachers; and

2524 (c) teachers in grades 4 through 6 with mathematics endorsements.

2525 (3) The program shall provide for the following:

2526 (a) application by a school district superintendent or the principal of a school on behalf
2527 of a qualified teacher;

2528 (b) an award of up to \$20,000 or a scholarship to cover the tuition costs for a master's
2529 degree, an endorsement, or graduate education in the areas identified in Subsection (2) to be
2530 given to selected public school teachers on a competitive basis:

2531 (i) whose applications are approved; and

2532 (ii) who teach in the state's public education system for four years in the areas
2533 identified in Subsection (2);

2534 (c) (i) as to the cash awards under Subsection (3)(b), payment of the award in two
2535 installments, with an initial payment of up to \$10,000 at the beginning of the term and up to
2536 \$10,000 at the conclusion of the term;

2537 (ii) repayment of a portion of the initial payment by the teacher if the teacher fails to
2538 complete two years of the four-year teaching term in the areas identified in Subsection (2) as
2539 provided by rule of the state board made in accordance with Title 63G, Chapter 3, Utah

2540 Administrative Rulemaking Act, unless waived for good cause by the state board; and

2541 (iii) nonpayment of the second installment if the teacher fails to complete the four-year
2542 teaching term; and

2543 (d) (i) as to the scholarships awarded under Subsection (3)(b), provision for the
2544 providing institution to certify adequate performance in obtaining the master's degree,

2545 endorsement, or graduate education in order for the teacher to maintain the scholarship; and

2546 (ii) repayment by the teacher of a prorated portion of the scholarship, if the teacher fails
2547 to complete the authorized classes or program or to teach in the state system of public
2548 education in the areas identified in Subsection (2) for four years after obtaining the master's
2549 degree, the endorsement, or graduate education.

2550 (4) An individual teaching in the public schools under a letter of authorization may
2551 participate in the cash award program if:

2552 (a) the individual has taught under the letter of authorization for at least one year in the
2553 areas referred to in Subsection (2); and

2554 (b) the application made under Subsection (3)(a) is based in large part upon the
2555 individual receiving a superior evaluation as a classroom teacher.

2556 (5) (a) The program may provide for the expenditure of up to \$1,000,000 of available
2557 money, if at least an equal amount of matching money becomes available, to provide
2558 professional development training to superintendents, administrators, and principals in the
2559 effective use of technology in public schools.

2560 (b) An award granted under this Subsection (5) shall be made in accordance with
2561 criteria developed and adopted by the state board in rule made in accordance with Title 63G,
2562 Chapter 3, Utah Administrative Rulemaking Act.

2563 (c) An amount up to \$120,000 of the \$1,000,000 authorized in Subsection (5)(a) may
2564 be expended, regardless of the matching money being available.

2565 Section 54. Section **53F-2-520** is amended to read:

2566 **53F-2-520. Rural school transportation reimbursement.**

2567 (1) As used in this section:

2568 (a) "Eligible LEA" means a school district or a charter school:

2569 (i) that is located in a county of the fourth, fifth, or sixth class, as defined in Section
2570 [17-50-501](#); and

2571 (ii) in which at least 65% of the students enrolled in the school district or charter
2572 school qualify for free or reduced price lunch.

2573 (b) "Eligible school" means a school:

2574 (i) in an eligible LEA; and
2575 (ii) that the eligible LEA has provided transportation to and from for a regular school
2576 day for students for at least five years.

2577 (c) "LEA governing board" means:

2578 (i) the local school board of a school district that is an eligible LEA; or
2579 (ii) the charter school governing board of a charter school that is an eligible LEA.

2580 (2) An LEA governing board may annually submit a request to the state board to
2581 receive reimbursement for an expense that:

2582 (a) the LEA governing board incurs transporting a student to or from an eligible school
2583 for the regular school day; and

2584 (b) the LEA governing board does not pay using state funding for pupil transportation
2585 described in Section 53F-2-402 or 53F-2-403.

2586 (3) (a) Subject to legislative appropriations, and except as provided in Subsection
2587 (3)(b), the state board shall reimburse an LEA governing board for an expense included in a
2588 request described in Subsection (2).

2589 (b) If the legislative appropriation for this section is insufficient to fund an expense in a
2590 request received under Subsection (2), the state board may reduce an LEA governing board's
2591 reimbursement in accordance with the rules described in Subsection (4).

2592 (4) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2593 Act, the state board shall make rules that establish:

2594 (a) requirements for information an LEA governing board shall include in a
2595 reimbursement request described in Subsection (2);

2596 (b) a deadline by which an LEA governing board shall submit a request described in
2597 Subsection (2); and

2598 (c) a formula for reducing an LEA governing board's allocation under Subsection (3).

2599 (5) Nothing in this section affects a school district's allocation for pupil transportation
2600 under Sections 53F-2-402 and 53F-2-403.

2601 Section 55. Section 53F-4-205 is amended to read:

2602 **53F-4-205. Kindergarten supplemental enrichment program.**

2603 (1) As used in this section:

2604 (a) "Eligible school" means a charter or school district school in which:

2605 (i) at least 10% of the students experience intergenerational poverty; or

2606 (ii) 50% of students were eligible to receive free or reduced lunch in the previous
2607 school year.

2608 (b) "Intergenerational poverty" means the same as that term is defined in Section
2609 [35A-9-102](#).

2610 (c) "Kindergarten supplemental enrichment program" means a program to improve the
2611 academic competency of kindergarten students that:

2612 (i) meets the criteria described in Subsection (4);

2613 (ii) receives funding from a grant program described in Subsection (3); and

2614 (iii) is administered by an eligible school.

2615 (2) (a) In accordance with this section, the state board shall distribute funds
2616 appropriated under this section to support kindergarten supplemental enrichment programs,
2617 giving priority first to awarding funds to an eligible school with at least 10% of the students
2618 experiencing intergenerational poverty and second priority to an eligible school in which 50%
2619 of students were eligible to receive free or reduced lunch in the previous school year.

2620 (b) The state board shall develop kindergarten entry and exit assessments for use by a
2621 kindergarten supplemental enrichment program.

2622 (3) (a) The state board shall administer a qualifying grant program as described in this
2623 Subsection (3) to distribute funds described in Subsection (2)(a) to an eligible school:

2624 (i) that applies for a grant;

2625 (ii) that offers a kindergarten supplemental enrichment program that meets the
2626 requirements described in Subsection (4);

2627 (iii) that has an overall need for a kindergarten supplemental enrichment program,
2628 based on the results of the eligible school's kindergarten entry and exit assessments described
2629 in Subsection (4)(b)(ii);

2630 (iv) if the eligible school has previously established a kindergarten supplemental
2631 enrichment program under this section, that shows success of the eligible school's kindergarten
2632 supplemental enrichment program, based on the results of the eligible school's kindergarten
2633 entry and exit assessments described in Subsection (4)(b)(ii); and

2634 (v) that proposes a kindergarten supplemental enrichment program that addresses the
2635 particular needs of students at risk of experiencing intergenerational poverty.

2636 (b) An eligible school shall include in a grant application a letter from the principal of
2637 the eligible school certifying that the eligible school's proposed kindergarten supplemental
2638 enrichment program will meet the needs of either children in intergenerational poverty or
2639 children who are eligible to receive free or reduced lunch as appropriate for the eligible school.

2640 (4) An eligible school that receives a grant as described in Subsection (3) shall:

2641 (a) use the grant money to offer a kindergarten supplemental enrichment program to:

2642 (i) target kindergarten students at risk for not meeting grade 3 core standards for Utah
2643 public schools, established by the state board under Section [53E-4-202](#), by the end of each
2644 student's grade 3 year;

2645 (ii) use an evidence-based early intervention model;

2646 (iii) focus on academically improving age-appropriate literacy and numeracy skills;

2647 (iv) emphasize the use of live instruction;

2648 (v) administer the kindergarten entry and exit assessments described in Subsection
2649 (2)(b); and

2650 (vi) deliver the kindergarten supplemental enrichment program through additional
2651 hours or other means; and

2652 (b) report to the state board annually regarding:

2653 (i) how the eligible school used grant money received under Subsection (3);

2654 (ii) the results of the eligible school's kindergarten entry and exit assessments for the
2655 prior year;

2656 (iii) with assistance from state board employees, the number of students served,
2657 including the number of students who are eligible for free or reduced lunch; and

2658 (iv) with assistance from state board employees, student performance outcomes
2659 achieved by the eligible school's kindergarten supplemental enrichment program, disaggregated
2660 by economic and ethnic subgroups.

2661 (5) An eligible school that receives a grant as described in Subsection (3) may not
2662 receive funds appropriated under Section [53F-2-507](#).

2663 (6) A parent may decline participation of the parent's kindergarten student in an eligible
2664 school's kindergarten supplemental enrichment program.

2665 (7) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2666 Act, the state board shall make rules to establish reporting procedures and administer this
2667 section.

2668 Section 56. Section **53F-4-304** is amended to read:

2669 **53F-4-304. Scholarship payments.**

2670 (1) (a) The state board shall award scholarships subject to the availability of money
2671 appropriated by the Legislature for that purpose.

2672 (b) The Legislature shall annually appropriate money to the state board from the
2673 General Fund to make scholarship payments.

2674 (c) The Legislature shall annually increase the amount of money appropriated under
2675 Subsection (1)(b) by an amount equal to the product of:

2676 (i) the average scholarship amount awarded as of December 1 in the previous year; and

2677 (ii) the product of:

2678 (A) the number of students in preschool through grade 12 in public schools statewide
2679 who have an IEP on December 1 of the previous year; and

2680 (B) 0.0007.

2681 (d) If the number of scholarship students as of December 1 in any school year equals or
2682 exceeds 7% of the number of students in preschool through grade 12 in public schools
2683 statewide who have an IEP as of December 1 in the same school year, the Public Education
2684 Appropriations Subcommittee shall study the requirement to increase appropriations for
2685 scholarship payments as provided in this section.

2686 (e) (i) If money is not available to pay for all scholarships requested, the state board
2687 shall allocate scholarships on a random basis except that the state board shall give preference to
2688 students who received scholarships in the previous school year.

2689 (ii) If money is insufficient in a school year to pay for all the continuing scholarships,
2690 the state board may not award new scholarships during that school year and the state board
2691 shall prorate money available for scholarships among the eligible students who received
2692 scholarships in the previous year.

2693 (2) Except as provided in Subsection (4), the state board shall award full-year
2694 scholarships in the following amounts:

2695 (a) for a student who received an average of 180 minutes per day or more of special
2696 education services in a public school before transferring to a private school, an amount not to
2697 exceed the lesser of:

2698 (i) the value of the weighted pupil unit multiplied by 2.5; or

2699 (ii) the private school tuition and fees; and

2700 (b) for a student who received an average of less than 180 minutes per day of special
2701 education services in a public school before transferring to a private school, an amount not to
2702 exceed the lesser of:

2703 (i) the value of the weighted pupil unit multiplied by 1.5; or

2704 (ii) the private school tuition and fees.

2705 (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day
2706 preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.

2707 (4) If a student leaves a private school before the end of a fiscal quarter:

2708 (a) the private school is only entitled to the amount of scholarship equivalent to the
2709 number of days that the student attended the private school; and

2710 (b) the private school shall remit a prorated amount of the scholarship to the state board
2711 in accordance with the procedures described in rules adopted by the state board in accordance
2712 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2713 (5) For the amount of funds remitted under Subsection (4)(b), the state board shall:

2714 (a) make the amount available to the student to enroll immediately in another
2715 qualifying private school; or

2716 (b) refund the amount back to the Carson Smith Scholarship Program account to be
2717 available to support the costs of another scholarship.

2718 (6) (a) The state board shall make an additional allocation on a random basis before
2719 June 30 each year only:

2720 (i) if there are sufficient remaining funds in the program; and
2721 (ii) for scholarships for students enrolled in a full-day preschool program.

2722 (b) If the state board awards a scholarship under Subsection (6)(a), the scholarship
2723 amount or supplement may not exceed the lesser of:

2724 (i) the value of the weighted pupil unit multiplied by 1.0; or
2725 (ii) the private school tuition and fees.

2726 (c) The state board shall, when preparing annual growth projection numbers for the
2727 Legislature, include the annual number of applications for additional allocations described in
2728 Subsection (6)(a).

2729 (7) (a) The scholarship amount for a student who receives a waiver under Subsection
2730 [53F-4-302\(3\)](#) shall be based upon the assessment team's determination of the appropriate level
2731 of special education services to be provided to the student.

2732 (b) (i) If the student requires an average of 180 minutes per day or more of special
2733 education services, a full-year scholarship shall be equal to the amount specified in Subsection
2734 (2)(a).

2735 (ii) If the student requires less than an average of 180 minutes per day of special
2736 education services, a full-year scholarship shall be equal to the amount specified in Subsection
2737 (2)(b).

2738 (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program,
2739 a full-year scholarship is equal to the amount specified in Subsection (3).

2740 (8) (a) Except as provided in Subsection (8)(b), upon review and receipt of
2741 documentation that verifies a student's admission to, or continuing enrollment and attendance

2742 at, a private school, the state board shall make scholarship payments quarterly in four equal
2743 amounts in each school year in which a scholarship is in force.

2744 (b) In accordance with state board rule, made in accordance with Title 63G, Chapter 3,
2745 Utah Administrative Rulemaking Act, the state board may make a scholarship payment before
2746 the first quarterly payment of the school year, if a private school requires partial payment of
2747 tuition before the start of the school year to reserve space for a student admitted to the school.

2748 (9) A parent of a scholarship student shall notify the state board if the student does not
2749 have continuing enrollment and attendance at an eligible private school.

2750 (10) Before scholarship payments are made, the state board shall cross-check
2751 enrollment lists of scholarship students, LEAs, and youth in custody to ensure that scholarship
2752 payments are not erroneously made.

2753 Section 57. Section **53F-4-305** is amended to read:

2754 **53F-4-305. State board to make rules.**

2755 [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2756 the state board shall make rules consistent with this part establishing:

2757 (1) the eligibility of students to participate in the scholarship program;

2758 (2) the application process for the scholarship program; and

2759 (3) payment procedures to eligible private schools.

2760 Section 58. Section **53F-4-514** is amended to read:

2761 **53F-4-514. State board -- Rulemaking.**

2762 The state board shall make rules in accordance with this part and Title 63G, Chapter 3,
2763 Utah Administrative Rulemaking Act, that:

2764 (1) establish a course credit acknowledgement form and procedures for completing and
2765 submitting to the state board a course credit acknowledgement; and

2766 (2) establish procedures for the administration of a statewide assessment to a student
2767 enrolled in an online course.

2768 Section 59. Section **53F-5-201** is amended to read:

2769 **53F-5-201. Grants for online delivery of statewide assessments.**

2770 (1) As used in this section:

2771 (a) "Adaptive tests" means tests administered during the school year using an online
2772 adaptive test system.

2773 (b) "Core standards for Utah public schools" means the standards established by the
2774 state board as described in Section [53E-4-202](#).

2775 (c) "Statewide assessment" means the same as that term is defined in Section
2776 [53E-4-301](#).

2777 (d) "Summative tests" means tests administered near the end of a course to assess
2778 overall achievement of course goals.

2779 (e) "Uniform online summative test system" means a single system for the online
2780 delivery of summative tests required as statewide assessments that:

2781 (i) is coordinated by the state board;

2782 (ii) ensures the reliability and security of statewide assessments; and

2783 (iii) is selected through collaboration between the state board and school district
2784 representatives with expertise in technology, assessment, and administration.

2785 (2) The state board may award grants to school districts and charter schools to
2786 implement:

2787 (a) a uniform online summative test system to enable school staff and parents of
2788 students to review statewide assessment scores by the end of the school year; or

2789 (b) an online adaptive test system to enable parents of students and school staff to
2790 measure and monitor a student's academic progress during a school year.

2791 (3) (a) Grant money may be used to pay for any of the following, provided it is directly
2792 related to implementing a uniform online summative test system, an online adaptive test
2793 system, or both:

2794 (i) computer equipment and peripherals, including electronic data capture devices
2795 designed for electronic test administration and scoring;

2796 (ii) software;

2797 (iii) networking equipment;

- 2798 (iv) upgrades of existing equipment or software;
- 2799 (v) upgrades of existing physical plant facilities;
- 2800 (vi) personnel to provide technical support or coordination and management; and
- 2801 (vii) teacher professional development.
- 2802 (b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the
- 2803 online delivery of summative tests or adaptive tests required as statewide assessments, may be
- 2804 used for other purposes.
- 2805 (4) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 2806 Act, the state board shall make rules:
- 2807 (a) establishing procedures for applying for and awarding grants;
- 2808 (b) specifying how grant money is allocated among school districts and charter schools;
- 2809 (c) requiring reporting of grant money expenditures and evidence showing that the
- 2810 grant money has been used to implement a uniform online summative test system, an online
- 2811 adaptive test system, or both;
- 2812 (d) establishing technology standards for an online adaptive testing system;
- 2813 (e) requiring a school district or charter school that receives a grant under this section
- 2814 to implement, in compliance with Title 53E, Chapter 9, Student Privacy and Data Protection,
- 2815 an online adaptive test system by the 2014-15 school year that:
- 2816 (i) meets the technology standards established under Subsection (4)(d); and
- 2817 (ii) is aligned with the core standards for Utah public schools;
- 2818 (f) requiring a school district or charter school to provide matching funds to implement
- 2819 a uniform online summative test system, an online adaptive test system, or both in an amount
- 2820 that is greater than or equal to the amount of a grant received under this section; and
- 2821 (g) ensuring that student identifiable data is not released to any person, except as
- 2822 provided by Title 53E, Chapter 9, Student Privacy and Data Protection, and rules of the state
- 2823 board adopted under the authority of those parts.
- 2824 (5) If a school district or charter school uses grant money for purposes other than those
- 2825 stated in Subsection (3), the school district or charter school is liable for reimbursing the state

2826 board in the amount of the grant money improperly used.

2827 (6) A school district or charter school may not use federal funds to provide the
2828 matching funds required to receive a grant under this section.

2829 (7) A school district may not impose a tax rate above the certified tax rate for the
2830 purpose of generating revenue to provide matching funds for a grant under this section.

2831 Section 60. Section **53F-5-202** is amended to read:

2832 **53F-5-202. National Board certification reimbursement.**

2833 (1) (a) The terms defined in Section **53E-6-102** apply to this section.

2834 (b) As used in this section, "eligible educator" means an educator who is employed as
2835 an educator by an LEA.

2836 (2) (a) Subject to legislative appropriations and Subsection (2)(b), the state board shall
2837 reimburse an eligible educator for a cost incurred by the eligible educator to attain or renew a
2838 National Board certification.

2839 (b) The state board may only issue a reimbursement under Subsection (2)(a) for:

2840 (i) a National Board certification attained or renewed after July 1, 2016, and before
2841 July 1, 2019; or

2842 (ii) a cost incurred by an eligible teacher to attain or renew a National Board
2843 certification after July 1, 2016, and before July 1, 2019.

2844 (3) Subject to legislative appropriations, and in accordance with this section, beginning
2845 July 1, 2019, the state board may pay up to the total cost:

2846 (a) for an eligible educator who does not have a National Board certification to pursue
2847 a National Board certification; or

2848 (b) for an eligible educator who has a National Board certification, to renew the
2849 National Board certification.

2850 (4) An eligible educator who does not have a National Board certification and intends
2851 for the state board to pay for the eligible educator to pursue a National Board certification shall:

2852 (a) submit to the state board:

2853 (i) an application;

2854 (ii) a letter of recommendation from the principal of the eligible educator's school; and
2855 (iii) a plan for completing the requirements for a National Board certification within
2856 three years of the state board approving the eligible educator's application; and

2857 (b) pay a registration fee directly to the organization that administers National Board
2858 certification.

2859 (5) An eligible educator who intends for the state board to pay to renew the eligible
2860 educator's National Board certification shall submit an application to the board.

2861 (6) The state board may not:

2862 (a) pay for an eligible educator to attempt to earn National Board certification over a
2863 period of longer than three years; or

2864 (b) pay for an individual to attempt National Board certification or a component of
2865 National Board certification more than once.

2866 (7) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
2867 Administrative Rulemaking Act, specifying procedures and timelines for:

2868 (a) reimbursing costs under Subsection (2); and

2869 (b) paying costs for an eligible educator to pursue or renew a National Board
2870 certification under Subsection (3).

2871 Section 61. Section **53F-5-204** is amended to read:

2872 **53F-5-204. Initiative to strengthen college and career readiness.**

2873 (1) As used in this section:

2874 (a) "College and career counseling" means:

2875 (i) nurturing college and career aspirations;

2876 (ii) assisting students in planning an academic program that connects to college and
2877 career goals;

2878 (iii) providing early and ongoing exposure to information necessary to make informed
2879 decisions when selecting a college and career;

2880 (iv) promoting participation in college and career assessments;

2881 (v) providing financial aid information; and

2882 (vi) increasing understanding about college admission processes.
2883 (b) "LEA" or "local education agency" means a school district or charter school.
2884 (2) There is created the Strengthening College and Career Readiness Program, a grant
2885 program for LEAs, to improve students' college and career readiness through enhancing the
2886 skill level of school counselors to provide college and career counseling.
2887 (3) The state board shall:
2888 (a) on or before August 1, 2015, collaborate with the State Board of Regents, and
2889 business, community, and education stakeholders to develop a certificate for school counselors
2890 that:
2891 (i) certifies that a school counselor is highly skilled at providing college and career
2892 counseling; and
2893 (ii) is aligned with the Utah Comprehensive Counseling and Guidance Program as
2894 defined in rules established by the state board in accordance with Title 63G, Chapter 3, Utah
2895 Administrative Rulemaking Act;
2896 (b) subject to legislative appropriations, award grants to LEAs, on a competitive basis,
2897 for payment of course fees for courses required to earn the certificate developed by the state
2898 board under Subsection (3)(a); and
2899 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2900 make rules specifying:
2901 (i) procedures for applying for and awarding grants under this section;
2902 (ii) criteria for awarding grants; and
2903 (iii) reporting requirements for grantees.
2904 (4) An LEA that receives a grant under this section shall use the grant for payment of
2905 course fees for courses required to attain the certificate as determined by the state board under
2906 Subsection (3)(a).
2907 Section 62. Section **53F-5-205** is amended to read:
2908 **53F-5-205. Paraeducator to Teacher Scholarship Program -- Grants for math**
2909 **teacher training programs.**

- 2910 (1) (a) The terms defined in Section 53E-6-102 apply to this section.
- 2911 (b) As used in this section, "paraeducator" means a school employee who:
- 2912 (i) delivers instruction under the direct supervision of a teacher; and
- 2913 (ii) works in an area where there is a shortage of qualified teachers, such as special
- 2914 education, Title I, ESL, reading remediation, math, or science.
- 2915 (2) The Paraeducator to Teacher Scholarship Program is created to award scholarships
- 2916 to paraeducators for education and training to become licensed teachers.
- 2917 (3) The state board shall use money appropriated for the Paraeducator to Teacher
- 2918 Scholarship Program to award scholarships of up to \$5,000 to paraeducators employed by
- 2919 school districts and charter schools who are pursuing an associate's degree or bachelor's degree
- 2920 program to become a licensed teacher.
- 2921 (4) A paraeducator is eligible to receive a scholarship if:
- 2922 (a) the paraeducator is employed by a school district or charter school;
- 2923 (b) is admitted to, or has made an application to, an associate's degree program or
- 2924 bachelor's degree program that will prepare the paraeducator for teacher licensure; and
- 2925 (c) the principal at the school where the paraeducator is employed has nominated the
- 2926 paraeducator for a scholarship.
- 2927 (5) (a) The state board shall establish a committee to select scholarship recipients from
- 2928 nominations submitted by school principals.
- 2929 (b) The committee shall include representatives of the state board, State Board of
- 2930 Regents, and the general public, excluding school district and charter school employees.
- 2931 (c) A member may not receive compensation or benefits for the member's service, but
- 2932 may receive per diem and travel expenses in accordance with:
- 2933 (i) Section 63A-3-106;
- 2934 (ii) Section 63A-3-107; and
- 2935 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
- 2936 63A-3-107.
- 2937 (d) The committee shall select scholarship recipients based on the following criteria:

- 2938 (i) test scores, grades, or other evidence demonstrating the applicant's ability to
2939 successfully complete a teacher education program; and
- 2940 (ii) the applicant's record of success as a paraeducator.
- 2941 (6) The maximum scholarship amount is \$5,000.
- 2942 (7) Scholarship money may only be used to pay for tuition costs:
- 2943 (a) of:
- 2944 (i) an associate's degree program that fulfills credit requirements for the first two years
2945 of a bachelor's degree program leading to teacher licensure; or
- 2946 (ii) the first two years of a bachelor's degree program leading to teacher licensure; and
- 2947 (b) at a higher education institution:
- 2948 (i) located in Utah; and
- 2949 (ii) accredited by the Northwest Commission on Colleges and Universities.
- 2950 (8) A scholarship recipient must be continuously employed as a paraeducator by a
2951 school district or charter school while pursuing a degree using scholarship money.
- 2952 (9) The state board shall make rules in accordance with this section and Title 63G,
2953 Chapter 3, Utah Administrative Rulemaking Act, to administer the Paraeducator to Teacher
2954 Scholarship Program, including rules establishing:
- 2955 (a) scholarship application procedures;
- 2956 (b) the number of, and qualifications for, committee members who select scholarship
2957 recipients; and
- 2958 (c) procedures for distributing scholarship money.
- 2959 (10) If the state obtains matching funds of equal sums from private contributors, the
2960 state board may award grants to institutions of higher education or nonprofit educational
2961 organizations for programs that provide:
- 2962 (a) mentoring and training leading to a secondary education license with a certificate in
2963 mathematics for an individual who:
- 2964 (i) is not a teacher in a public or private school;
- 2965 (ii) does not have a teaching license;

- 2966 (iii) has a bachelor's degree or higher; and
- 2967 (iv) demonstrates a high level of mathematics competency by:
- 2968 (A) successfully completing substantial course work in mathematics; and
- 2969 (B) passing a mathematics content exam; or
- 2970 (b) a stipend, professional development, and leadership opportunities to an experienced
- 2971 mathematics teacher who demonstrates high content knowledge and exemplary teaching and
- 2972 leadership skills to assist the teacher in becoming a teacher leader.

2973 (11) (a) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
2974 Administrative Rulemaking Act, that establish criteria for awarding grants under this section.

2975 (b) In awarding grants, the state board shall consider the amount or percent of matching
2976 funds provided by the grant recipient.

2977 Section 63. Section **53F-5-209** is amended to read:

2978 **53F-5-209. Grants for school-based mental health supports.**

2979 (1) As used in this section:

2980 (a) "Elementary school" means a school that includes any one or all of grades
2981 kindergarten through grade 6.

2982 (b) "Intergenerational poverty" means the same as that term is defined in Section
2983 [35A-9-102](#).

2984 (c) "Qualifying personnel" means a school counselor or school social worker who:

2985 (i) is licensed by the state board; and

2986 (ii) collaborates with educators and a student's family or guardian on:

2987 (A) early identification and intervention of a student's academic and mental health
2988 needs; and

2989 (B) removing barriers to learning and developing skills and behaviors critical for a
2990 student's academic achievement.

2991 (2) Subject to legislative appropriations and Subsection (3), the state board shall award
2992 a grant to an LEA to provide targeted school-based mental health support in an elementary
2993 school, including trauma-informed care, through employment of qualifying personnel.

- 2994 (3) In awarding a grant under this section, the state board shall give:
- 2995 (a) first priority to an LEA that proposes to target funds to one or more elementary
- 2996 schools with a high percentage of students exhibiting risk factors for childhood trauma; and
- 2997 (b) second priority to an LEA that proposes to target funds to one or more elementary
- 2998 schools with a high percentage of students experiencing intergenerational poverty.
- 2999 (4) To qualify for a grant, an LEA shall:
- 3000 (a) submit an application to the state board that includes:
- 3001 (i) measurable goals on improving student safety, student engagement, school culture,
- 3002 and academic achievement; and
- 3003 (ii) how the LEA intends to meet goals submitted under Subsection (4)(a)(i) through
- 3004 the use of the grant funds; and
- 3005 (b) provide local funds to match grant funds received under this section in an amount
- 3006 equal to one-half of the amount of the grant funds.
- 3007 (5) An LEA may not replace federal, state, or local funds previously allocated to
- 3008 employ qualified personnel with funds distributed under this section.
- 3009 (6) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 3010 Act, the state board shall make rules specifying:
- 3011 (a) procedures for applying for and awarding grants under this section, including:
- 3012 (i) a definition of risk factors for childhood trauma;
- 3013 (ii) the duration of a grant; and
- 3014 (iii) a schedule for submission of matching grant funds; and
- 3015 (b) annual reporting requirements for grantees in accordance with Subsection (7).
- 3016 (7) An LEA that receives a grant under this section shall submit an annual report to the
- 3017 state board, including:
- 3018 (a) progress toward achieving the goals submitted under Subsection (4)(a)(i); and
- 3019 (b) if the LEA decides to discontinue the qualifying personnel position, the LEA's
- 3020 reason for discontinuing the position.
- 3021 (8) Beginning on or before July 1, 2019, the state board shall provide training that

3022 instructs educators on the impact of trauma on student learning, including information advising
3023 educators against practicing medicine, giving a diagnosis, or providing treatment.

3024 Section 64. Section **53F-5-210** is amended to read:

3025 **53F-5-210. Educational Improvement Opportunities Outside of the Regular**
3026 **School Day Grant Program.**

3027 (1) As used in this section:

3028 (a) "Applicant" means an LEA, private provider, nonprofit provider, or municipality
3029 that provides an existing program and applies for a grant under the provisions of this section.

3030 (b) "Existing program" means a currently funded and operating program, as described
3031 in Subsections **53E-3-508**(1)(a) and (b).

3032 (c) "Grant program" means the Educational Improvement Opportunities Outside of the
3033 Regular School Day Grant Program created in Subsection (2).

3034 (d) "Grantor" means:

3035 (i) for an LEA that receives a grant under this section, the state board; or

3036 (ii) for a private provider, nonprofit provider, or municipality that receives a grant
3037 under this section, the Department of Workforce Services.

3038 (e) "Local education agency" or "LEA" means a school district or charter school.

3039 (2) There is created the Educational Improvement Opportunities Outside of the Regular
3040 School Day Grant Program to provide grant funds for an existing program to improve and
3041 develop the existing program in accordance with the high quality standards described in
3042 Section **53E-3-508**.

3043 (3) Subject to legislative appropriation and in accordance with Subsection (7):

3044 (a) the state board shall:

3045 (i) solicit LEA applications to receive a grant under this section; and

3046 (ii) award a grant based on the criteria described in Subsection (5); and

3047 (b) the Department of Workforce Services shall:

3048 (i) solicit private provider, nonprofit provider, or municipality applications to receive a
3049 grant under this section; and

- 3050 (ii) award a grant based on the criteria described in Subsection (5).
- 3051 (4) To receive a grant under this section, an applicant shall submit a proposal to the
3052 grantor describing:
- 3053 (a) how the applicant proposes to develop and improve the existing program to meet
3054 the standards described in Section 53E-3-508;
- 3055 (b) information necessary for the state board to determine the impact of the applicant's
3056 program on the academic performance of participating students;
- 3057 (c) the total number of students the applicant proposes to serve through the existing
3058 program;
- 3059 (d) the estimated percentage of the students described in Subsection (4)(c) who qualify
3060 for free or reduced lunch; and
- 3061 (e) the estimated cost of the applicant's existing program, per student.
- 3062 (5) In awarding a grant under Subsection (3), the grantor shall consider:
- 3063 (a) how an applicant's existing program proposes to meet the standards described in
3064 Section 53E-3-508; and
- 3065 (b) the percentage of students in that program who qualify for free and reduced lunch.
- 3066 (6) An applicant that receives a grant under this section shall:
- 3067 (a) use the grant to improve an existing program in accordance with the standards
3068 described in Section 53E-3-508; and
- 3069 (b) annually report to the grantor:
- 3070 (i) the number of students served by the existing program;
- 3071 (ii) the academic outcomes that the program is expected to have on participating
3072 students;
- 3073 (iii) program attendance rates of participating students; and
- 3074 (iv) other information required by the grantor.
- 3075 (7) (a) To receive a distribution of grant money under this section, an applicant shall
3076 identify and certify the availability of private matching funds in the amount of the grant to be
3077 distributed to the applicant.

3078 (b) Neither the state board nor the Department of Workforce Services shall be expected
3079 to seek private matching funds for this grant program.

3080 (8) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3081 Act, the state board shall make rules to administer this section that include:

3082 (a) specific criteria to determine academic performance;

3083 (b) application and reporting procedures; and

3084 (c) criteria for an existing program to qualify for a grant under this section.

3085 (9) The Department of Workforce Services shall make rules in accordance with Title
3086 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the grant program as
3087 described in Subsection (3)(b).

3088 (10) In accordance with 34 C.F.R. Sec. 99.35, the state board shall designate the
3089 Department of Workforce Services as an authorized representative for the purpose of sharing
3090 student data and evaluating and reporting the impact and effectiveness of the grant program.

3091 (11) The state board and the Department of Workforce Services may utilize up to 10%
3092 of the funds appropriated for administrative costs associated with the grant program and the
3093 report described in Subsection (12).

3094 (12) The state board shall report to the Education Interim Committee before November
3095 30, 2019, regarding:

3096 (a) the grant program's effect on the quality of existing programs that participate in the
3097 grant program; and

3098 (b) the impact of the existing programs on the academic performance of participating
3099 students.

3100 Section 65. Section **53F-5-212** is amended to read:

3101 **53F-5-212. Grants for additional educators for high-need schools.**

3102 (1) As used in this section:

3103 (a) "Educator" means an individual who holds a professional educator license
3104 described in Section [53E-6-201](#).

3105 (b) "First-year educator" means an educator who is:

- 3106 (i) a classroom teacher; and
3107 (ii) in the educator's first year of teaching.
3108 (c) "High-need school" means an elementary school in an LEA that qualifies for a grant
3109 under this section based on the criteria established by the state board under Subsection
3110 (5)(a)(ii).
3111 (d) "Local education agency" or "LEA" means a school district or charter school.
3112 (e) "Title I school" means a school that receives funds under Title I of the Elementary
3113 and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq.
3114 (2) Subject to legislative appropriations, and in accordance with this section, the state
3115 board shall award a grant to an LEA to fund the salary and benefits for an additional first-year
3116 educator to teach in a high-need school.
3117 (3) The state board shall:
3118 (a) solicit proposals from LEAs to receive a grant under this section; and
3119 (b) award grants to LEAs on a competitive basis based on the LEA applications
3120 described in Subsection (4)(a).
3121 (4) To receive a grant under this section, an LEA shall:
3122 (a) submit an application to the state board that:
3123 (i) lists the school or schools for which the LEA intends to use a grant;
3124 (ii) describes how each school for which the LEA intends to use a grant meets the
3125 criteria for being a high-need school; and
3126 (iii) includes any other information required by the board under the rules described in
3127 Subsection (5); and
3128 (b) provide matching funds in an amount equal to the grant received by the LEA under
3129 this section.
3130 (5) (a) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative
3131 Rulemaking Act, the state board shall make rules specifying:
3132 (i) the procedure for an LEA to apply for a grant under this section, including
3133 application requirements; and

3134 (ii) the criteria for determining if an elementary school is a high-need school.
3135 (b) In establishing the criteria described in Subsection (5)(a)(ii), the state board shall
3136 consider the following factors:
3137 (i) Title I school status;
3138 (ii) low school performance, as indicated by the school accountability system described
3139 in Title 53E, Chapter 5, Part 2, School Accountability System;
3140 (iii) a high percentage of students enrolled in the school who are either experiencing or
3141 at risk of experiencing intergenerational poverty;
3142 (iv) a high ratio of students to educators in the school;
3143 (v) higher than average educator turnover in the school;
3144 (vi) a high percentage of students enrolled in the school who are experiencing
3145 homelessness; and
3146 (vii) other factors determined by the state board.
3147 (6) An LEA that receives a grant under this section shall:
3148 (a) (i) use the grant to fund a portion of the cost of the salary and benefits for an
3149 additional first-year educator who teaches in a high-need school; and
3150 (ii) maintain a class size of fewer than 20 students for a first-year educator whose
3151 salary and benefits are funded by the grant; and
3152 (b) annually submit a report to the state board describing:
3153 (i) how the LEA used the grant; and
3154 (ii) whether the grant was effective in maintaining a smaller class size for the first-year
3155 educator whose salary and benefits were funded by the grant.
3156 Section 66. Section **53F-5-406** is amended to read:
3157 **53F-5-406. Rules.**
3158 [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3159 the state board shall make rules to administer the Partnerships for Student Success Grant
3160 Program in accordance with this part.
3161 Section 67. Section **53F-5-502** is amended to read:

3162 **53F-5-502. Competency-Based Education Grants Program -- State board duties**
3163 **-- Review committee -- Technical assistance training.**

3164 (1) There is created the Competency-Based Education Grants Program consisting of
3165 the grants created in this part to improve educational outcomes in public schools by advancing
3166 student mastery of concepts and skills through the following core principles:

3167 (a) student advancement upon mastery of a concept or skill;

3168 (b) competencies that include explicit, measurable, and transferable learning objectives
3169 that empower a student;

3170 (c) assessment that is meaningful and provides a positive learning experience for a
3171 student;

3172 (d) timely, differentiated support based on a student's individual learning needs; and

3173 (e) learning outcomes that emphasize competencies that include application and
3174 creation of knowledge along with the development of important skills and dispositions.

3175 (2) The grant program shall incentivize an LEA to establish competency-based
3176 education within the LEA through the use of:

3177 (a) personalized learning;

3178 (b) blended learning;

3179 (c) extended learning;

3180 (d) educator professional learning in competency-based education; or

3181 (e) any other method that emphasizes the core principles described in Subsection (1).

3182 (3) The state board shall:

3183 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
3184 adopt rules:

3185 (i) for the administration of the grant program and awarding of grants; and

3186 (ii) to define outcome-based measures appropriate to the type of grant for an LEA that
3187 is awarded a grant under this part to use to measure the performance of the LEA's plan or
3188 program;

3189 (b) establish a grant application process;

3190 (c) in accordance with Subsection (4), establish a review committee to make
3191 recommendations to the state board for:
3192 (i) metrics to analyze the quality of a grant application; and
3193 (ii) approval of a grant application; and
3194 (d) with input from the review committee, adopt metrics to analyze the quality of a
3195 grant application.

3196 (4) (a) The review committee shall consist of STEM and blended learning experts,
3197 current and former school administrators, current and former teachers, and at least one former
3198 school district superintendent, in addition to other staff designated by the state board.

3199 (b) The review committee shall:
3200 (i) review a grant application submitted by an LEA;
3201 (ii) make recommendations to the LEA to modify the application, if necessary; and
3202 (iii) make recommendations to the state board regarding the final disposition of an
3203 application.

3204 (5) (a) The state board shall provide technical assistance training to assist an LEA with
3205 a grant application under this part.

3206 (b) An LEA may not apply for a grant under this part unless:
3207 (i) a representative of the LEA attends the technical assistance training before the LEA
3208 submits a grant application; and
3209 (ii) the representative is a superintendent, principal, or a person in a leadership position
3210 within the LEA.

3211 (c) The technical assistance training shall include:
3212 (i) instructions on completing a grant application, including grant application
3213 requirements;
3214 (ii) information on the scoring metrics used to review a grant application; and
3215 (iii) information on competency-based education.

3216 (6) The state board may use up to 5% of an appropriation provided to fund this part for
3217 administration of the grant program.

3218 Section 68. Section **53F-5-506** is amended to read:

3219 **53F-5-506. Waiver from state board rule -- State board recommended statutory**
3220 **changes.**

3221 (1) An LEA may apply to the state board in a grant application submitted under this
3222 part for a waiver of a state board rule made in accordance with Title 63G, Chapter 3, Utah
3223 Administrative Rulemaking Act, that inhibits or hinders the LEA from accomplishing its goals
3224 set out in its grant application.

3225 (2) The state board may grant the waiver, unless:

3226 (a) the waiver would cause the LEA to be in violation of state or federal law; or

3227 (b) the waiver would threaten the health, safety, or welfare of students in the LEA.

3228 (3) If the state board denies the waiver, the state board shall provide in writing the
3229 reason for the denial to the waiver applicant.

3230 (4) (a) The state board shall request from each LEA that receives a grant under this part
3231 for each year the LEA receives funds:

3232 (i) information on a state statute that hinders an LEA from fully implementing the
3233 LEA's program; and

3234 (ii) suggested changes to the statute.

3235 (b) The state board shall report any information received from an LEA under
3236 Subsection (4)(a) and the state board's recommendations in accordance with Section
3237 [53E-1-203](#).

3238 Section 69. Section **53F-5-603** is amended to read:

3239 **53F-5-603. Grant program to school districts and charter schools.**

3240 (1) From money appropriated to the grant program, the state board shall distribute
3241 grant money on a competitive basis to a school district or charter school that applies for a grant
3242 and:

3243 (a) (i) has within the school district one or more American Indian and Alaskan Native
3244 concentrated schools; or

3245 (ii) is an American Indian and Alaskan Native concentrated school; and

3246 (b) has a program to fund stipends, recruitment, retention, and professional
3247 development of teachers who teach at American Indian and Alaskan Native concentrated
3248 schools.

3249 (2) The grant money distributed under this section may only be expended to fund a
3250 program described in Subsection (1)(b).

3251 (3) (a) If a school district or charter school obtains a grant under this section, by no
3252 later than two years from the date the school district or charter school obtains the grant, the
3253 state board shall review the implementation of the program described in Subsection (1)(b) to
3254 determine whether:

3255 (i) the program is effective in addressing the need to retain teachers at American Indian
3256 and Alaskan Native concentrated schools; and

3257 (ii) the money is being spent for a purpose not covered by the program described in
3258 Subsection (1)(b).

3259 (b) If the state board determines that the program is not effective or that the money is
3260 being spent for a purpose not covered by the program described in Subsection (1)(b), the state
3261 board may terminate the grant money being distributed to the school district or charter school.

3262 (4) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3263 Act, the state board may make rules providing:

3264 (a) criteria for evaluating grant applications; and

3265 (b) procedures for:

3266 (i) a school district to apply to the state board to receive grant money under this
3267 section; and

3268 (ii) the review of the use of grant money described in Subsection (3).

3269 (5) The grant money is intended to supplement and not replace existing money
3270 supporting American Indian and Alaskan Native concentrated schools.

3271 Section 70. Section **53F-9-401** is amended to read:

3272 **53F-9-401. Autism Awareness Restricted Account.**

3273 (1) There is created in the General Fund a restricted account known as the "Autism

3274 Awareness Restricted Account."

3275 (2) The account shall be funded by:

3276 (a) contributions deposited into the account in accordance with Section 41-1a-422;

3277 (b) private contributions; and

3278 (c) donations or grants from public or private entities.

3279 (3) Upon appropriation by the Legislature, the state superintendent shall:

3280 (a) (i) ensure the inventory of Autism Awareness Support special group license plate

3281 decals are in stock; and

3282 (ii) transfer money to the Tax Commission to pay for the group license plate as needed;

3283 (b) distribute funds in the account to one or more charitable organizations that:

3284 (i) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

3285 (ii) has as the organization's sole mission to promote access to resources and

3286 responsible information for individuals of all ages who have, or are affected by, autism or

3287 autism spectrum related conditions;

3288 (iii) is an independent organization that has representation from state agencies and

3289 private providers serving individuals with autism spectrum disorder and their families in the

3290 state;

3291 (iv) includes representation of:

3292 (A) national and local autism advocacy groups, as available; and

3293 (B) interested parents and professionals; and

3294 (v) does not endorse any specific treatment, therapy, or intervention used for autism.

3295 (4) (a) An organization described in Subsection (3) may apply to the state

3296 superintendent to receive a distribution in accordance with Subsection (3).

3297 (b) An organization that receives a distribution from the state superintendent in

3298 accordance with Subsection (3) shall expend the distribution only to:

3299 (i) pay for autism education and public awareness of programs and related services in

3300 the state;

3301 (ii) enhance programs designed to serve individuals with autism;

- 3302 (iii) provide support to caregivers providing services for individuals with autism;
- 3303 (iv) pay administrative costs of the organization; and
- 3304 (v) pay for academic scholarships and research efforts in the area of autism spectrum
- 3305 disorder.

3306 (c) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3307 Act, the state board may make rules providing procedures for an organization to apply to the
3308 state superintendent to receive a distribution under Subsection (3).

3309 Section 71. Section **53G-4-410** is amended to read:

3310 **53G-4-410. Regional service centers.**

3311 (1) For purposes of this section, "eligible regional service center" means a regional
3312 service center formed by two or more school districts as an interlocal entity, in accordance with
3313 Title 11, Chapter 13, Interlocal Cooperation Act.

3314 (2) The Legislature strongly encourages school districts to collaborate and cooperate to
3315 provide educational services in a manner that will best utilize resources for the overall
3316 operation of the public education system.

3317 (3) An eligible regional service center formed by an interlocal agreement, in
3318 accordance with Title 11, Chapter 13, Interlocal Cooperation Act, may receive a distribution
3319 described in Subsection (5) if the Legislature appropriates money for eligible regional service
3320 centers.

3321 (4) (a) If local school boards enter into an interlocal agreement to confirm or formalize
3322 a regional service center in operation before July 1, 2011, the interlocal agreement may not
3323 eliminate any rights or obligations of the regional service center in effect before entering into
3324 the interlocal agreement.

3325 (b) An interlocal agreement entered into to confirm or formalize an existing regional
3326 service center shall have the effect of confirming and ratifying in the regional service center,
3327 the title to any property held in the name, or for the benefit of the regional service center as of
3328 the effective date of the interlocal agreement.

3329 (5) (a) The state board shall distribute any funding appropriated to eligible regional

3330 service centers as provided by the Legislature.

3331 (b) The state board may provide funding to an eligible regional service center in
3332 addition to legislative appropriations.

3333 (6) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3334 Act, the state board shall make rules regarding eligible regional service centers including:

3335 (a) the distribution of legislative appropriations to eligible regional service centers;

3336 (b) the designation of eligible regional service centers as agents to distribute Utah
3337 Education and Telehealth Network services; and

3338 (c) the designation of eligible regional service centers as agents for regional
3339 coordination of public education and higher education services.

3340 Section 72. Section **53G-5-205** is amended to read:

3341 **53G-5-205. Charter school authorizers -- Power and duties -- Charter application**
3342 **minimum standard.**

3343 (1) The following entities are eligible to authorize charter schools:

3344 (a) the State Charter School Board;

3345 (b) a local school board; or

3346 (c) a board of trustees of an institution in the state system of higher education as
3347 described in Section **53B-1-102**.

3348 (2) A charter school authorizer shall:

3349 (a) annually review and evaluate the performance of charter schools authorized by the
3350 authorizer and hold a charter school accountable for the school's performance; and

3351 (b) monitor charter schools authorized by the authorizer for compliance with federal
3352 and state laws, rules, and regulations.

3353 (3) A charter school authorizer may:

3354 (a) authorize and promote the establishment of charter schools, subject to the
3355 provisions in this part;

3356 (b) make recommendations on legislation and rules pertaining to charter schools to the
3357 Legislature and state board, respectively;

- 3358 (c) make recommendations to the state board on the funding of charter schools;
- 3359 (d) provide technical support to charter schools and persons seeking to establish charter
- 3360 schools by:
 - 3361 (i) identifying and promoting successful charter school models;
 - 3362 (ii) facilitating the application and approval process for charter school authorization;
 - 3363 (iii) directing charter schools and persons seeking to establish charter schools to
 - 3364 sources of funding and support;
 - 3365 (iv) reviewing and evaluating proposals to establish charter schools for the purpose of
 - 3366 supporting and strengthening proposals before an application for charter school authorization is
 - 3367 submitted to a charter school authorizer; or
 - 3368 (v) assisting charter schools to understand and carry out their charter obligations; or
 - 3369 (e) provide technical support, as requested, to another charter school authorizer relating
 - 3370 to charter schools.
- 3371 (4) Within 60 days after an authorizer's approval of an application for a new charter
- 3372 school, the state board may direct an authorizer to do the following if the authorizer or charter
- 3373 school applicant failed to follow statutory or state board rule requirements made in accordance
- 3374 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
 - 3375 (a) reconsider the authorizer's approval of an application for a new charter school; and
 - 3376 (b) correct deficiencies in the charter school application or authorizer's application
 - 3377 process as described in statute or state board rule, made in accordance with Title 63G, Chapter
 - 3378 3, Utah Administrative Rulemaking Act, before approving the new application.
- 3379 (5) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
- 3380 Rulemaking Act, make rules establishing minimum standards that a charter school authorizer is
- 3381 required to apply when:
 - 3382 (a) evaluating a charter school application; or
 - 3383 (b) monitoring charter school compliance.
 - 3384 (6) The minimum standards described in Subsection (5) shall include:
 - 3385 (a) reasonable consequences for an authorizer that fails to comply with statute or state

3386 board rule;

3387 (b) a process for an authorizer to review:

3388 (i) the skill and expertise of a proposed charter school's governing board; and

3389 (ii) the functioning operation of the charter school governing board of an authorized
3390 charter school;

3391 (c) a process for an authorizer to review the financial viability of a proposed charter
3392 school and of an authorized charter school;

3393 (d) a process to evaluate:

3394 (i) how well an authorizer's authorized charter school complies with the charter
3395 school's charter agreement;

3396 (ii) whether an authorizer's authorized charter school maintains reasonable academic
3397 standards; and

3398 (iii) standards that an authorizer is required to meet to demonstrate the authorizer's
3399 capacity to oversee, monitor, and evaluate the charter schools the authorizer authorizes.

3400 Section 73. Section **53G-5-304** is amended to read:

3401 **53G-5-304. Charter schools authorized by the State Charter School Board --**

3402 **Application process -- Prohibited basis of application denial.**

3403 (1) (a) An applicant seeking authorization of a charter school from the State Charter
3404 School Board shall provide a copy of the application to the local school board of the school
3405 district in which the proposed charter school shall be located either before or at the same time it
3406 files its application with the State Charter School Board.

3407 (b) The local school board may review the application and may offer suggestions or
3408 recommendations to the applicant or the State Charter School Board prior to its acting on the
3409 application.

3410 (c) The State Charter School Board shall give due consideration to suggestions or
3411 recommendations made by the local school board under Subsection (1)(b).

3412 (d) The State Charter School Board shall review and, by majority vote, either approve
3413 or deny the application.

3414 (e) A charter school application may not be denied on the basis that the establishment
3415 of the charter school will have any or all of the following impacts on a public school, including
3416 another charter school:

- 3417 (i) an enrollment decline;
- 3418 (ii) a decrease in funding; or
- 3419 (iii) a modification of programs or services.

3420 (2) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
3421 Rulemaking Act, make a rule providing a timeline for the opening of a charter school following
3422 the approval of a charter school application by the State Charter School Board.

3423 (3) After approval of a charter school application and in accordance with Section
3424 [53G-5-303](#), the applicant and the State Charter School Board shall set forth the terms and
3425 conditions for the operation of the charter school in a written charter agreement.

3426 (4) The State Charter School Board shall, in accordance with state board rules,
3427 establish and make public the State Charter School Board's:

- 3428 (a) application requirements, in accordance with Section [53G-5-302](#);
- 3429 (b) application process, including timelines, in accordance with this section; and
- 3430 (c) minimum academic, financial, and enrollment standards.

3431 Section 74. Section [53G-5-406](#) is amended to read:

3432 **[53G-5-406. Accountability -- Rules.](#)**

3433 The state board shall, after consultation with chartering entities, make rules in
3434 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

- 3435 (1) require a charter school to develop an accountability plan, approved by its charter
3436 school authorizer, during its first year of operation;
- 3437 (2) require an authorizer to:
 - 3438 (a) visit a charter school at least once during:
 - 3439 (i) its first year of operation; and
 - 3440 (ii) the review period described under Subsection (3); and
 - 3441 (b) provide written reports to its charter schools after the visits; and

3442 (3) establish a review process that is required of a charter school once every five years
3443 by its authorizer.

3444 Section 75. Section **53G-5-501** is amended to read:

3445 **53G-5-501. Noncompliance -- Rulemaking.**

3446 (1) If a charter school is found to be out of compliance with the requirements of
3447 Section **53G-5-404** or the school's charter agreement, the charter school authorizer shall notify
3448 the following in writing that the charter school has a reasonable time to remedy the deficiency,
3449 except as otherwise provided in Subsection **53G-5-503**(4):

3450 (a) the charter school governing board; and

3451 (b) if the charter school is a qualifying charter school with outstanding bonds issued in
3452 accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School
3453 Finance Authority.

3454 (2) If the charter school does not remedy the deficiency within the established timeline,
3455 the authorizer may:

3456 (a) subject to the requirements of Subsection (4), take one or more of the following
3457 actions:

3458 (i) remove a charter school director or finance officer;

3459 (ii) remove a charter school governing board member; or

3460 (iii) appoint an interim director or mentor to work with the charter school; or

3461 (b) subject to the requirements of Section **53G-5-503**, terminate the school's charter
3462 agreement.

3463 (3) The costs of an interim director or mentor appointed pursuant to Subsection (2)(a)
3464 shall be paid from the funds of the charter school for which the interim director or mentor is
3465 working.

3466 (4) The authorizer shall notify the Utah Charter School Finance Authority before the
3467 authorizer takes an action described in Subsections (2)(a)(i) through (iii) if the charter school is
3468 a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter
3469 School Credit Enhancement Program.

3470 (5) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3471 Act, the state board shall make rules:

- 3472 (a) specifying the timeline for remedying deficiencies under Subsection (1); and
3473 (b) ensuring the compliance of a charter school with its approved charter agreement.

3474 Section 76. Section **53G-5-503** is amended to read:

3475 **53G-5-503. Termination of a charter agreement.**

3476 (1) Subject to the requirements of Subsection (3), a charter school authorizer may
3477 terminate a school's charter agreement for any of the following reasons:

3478 (a) failure of the charter school to meet the requirements stated in the charter
3479 agreement;

3480 (b) failure to meet generally accepted standards of fiscal management;

3481 (c) (i) designation as a low performing school under Title 53E, Chapter 5, Part 3,
3482 School Turnaround and Leadership Development; and

3483 (ii) failure to improve the school's grade under the conditions described in Title 53E,
3484 Chapter 5, Part 3, School Turnaround and Leadership Development;

3485 (d) violation of requirements under this chapter or another law; or

3486 (e) other good cause shown.

3487 (2) (a) The authorizer shall notify the following of the proposed termination in writing,
3488 state the grounds for the termination, and stipulate that the charter school governing board may
3489 request an informal hearing before the authorizer:

3490 (i) the charter school governing board; and

3491 (ii) if the charter school is a qualifying charter school with outstanding bonds issued in
3492 accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School
3493 Finance Authority.

3494 (b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in
3495 accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after
3496 receiving a written request under Subsection (2)(a).

3497 (c) If the authorizer, by majority vote, approves a motion to terminate a charter school,

3498 the charter school governing board may appeal the decision to the state board.

3499 (d) (i) The state board shall hear an appeal of a termination made pursuant to
3500 Subsection (2)(c).

3501 (ii) The state board's action is final action subject to judicial review.

3502 (e) (i) If the authorizer proposes to terminate the charter agreement of a qualifying
3503 charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit
3504 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)
3505 120 days or more after notifying the following of the proposed termination:

3506 (A) the charter school governing board of the qualifying charter school; and

3507 (B) the Utah Charter School Finance Authority.

3508 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School
3509 Finance Authority shall meet with the authorizer to determine whether the deficiency may be
3510 remedied in lieu of termination of the qualifying charter school's charter agreement.

3511 (3) An authorizer may not terminate the charter agreement of a qualifying charter
3512 school with outstanding bonds issued in accordance with Part 6, Charter School Credit
3513 Enhancement Program, without mutual agreement of the Utah Charter School Finance
3514 Authority and the authorizer.

3515 (4) (a) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative
3516 Rulemaking Act, the state board shall make rules that require a charter school to report any
3517 threats to the health, safety, or welfare of its students to the State Charter School Board in a
3518 timely manner.

3519 (b) The rules under Subsection (4)(a) shall also require the charter school report to
3520 include what steps the charter school has taken to remedy the threat.

3521 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a
3522 charter agreement immediately if good cause has been shown or if the health, safety, or welfare
3523 of the students at the school is threatened.

3524 (6) If a charter agreement is terminated during a school year, the following entities may
3525 apply to the charter school's authorizer to assume operation of the school:

- 3526 (a) the school district where the charter school is located;
- 3527 (b) the charter school governing board of another charter school; or
- 3528 (c) a private management company.
- 3529 (7) (a) If a charter agreement is terminated, a student who attended the school may
- 3530 apply to and shall be enrolled in another public school under the enrollment provisions of
- 3531 Chapter 6, Part 3, School District Residency, subject to space availability.
- 3532 (b) Normal application deadlines shall be disregarded under Subsection (7)(a).
- 3533 Section 77. Section **53G-5-504** is amended to read:
- 3534 **53G-5-504. Charter school closure.**
- 3535 (1) If a charter school is closed for any reason, including the termination of a charter
- 3536 agreement in accordance with Section **53G-5-503** or the conversion of a charter school to a
- 3537 private school, the provisions of this section apply.
- 3538 (2) A decision to close a charter school is made:
- 3539 (a) when a charter school authorizer approves a motion to terminate described in
- 3540 Subsection **53G-5-503(2)(c)**;
- 3541 (b) when the state board takes final action described in Subsection **53G-5-503(2)(d)(ii)**;
- 3542 or
- 3543 (c) when a charter school provides notice to the charter school's authorizer that the
- 3544 charter school is relinquishing the charter school's charter.
- 3545 (3) (a) No later than 10 days after the day on which a decision to close a charter school
- 3546 is made, the charter school shall:
- 3547 (i) provide notice to the following, in writing, of the decision:
- 3548 (A) if the charter school made the decision to close, the charter school's authorizer;
- 3549 (B) the State Charter School Board;
- 3550 (C) if the state board did not make the decision to close, the state board;
- 3551 (D) parents of students enrolled at the charter school;
- 3552 (E) the charter school's creditors;
- 3553 (F) the charter school's lease holders;

- 3554 (G) the charter school's bond issuers;
- 3555 (H) other entities that may have a claim to the charter school's assets;
- 3556 (I) the school district in which the charter school is located and other charter schools
3557 located in that school district; and
- 3558 (J) any other person that the charter school determines to be appropriate; and
- 3559 (ii) post notice of the decision on the Utah Public Notice Website, created in Section
3560 [63F-1-701](#).
- 3561 (b) The notice described in Subsection (3)(a) shall include:
- 3562 (i) the proposed date of the charter school closure;
- 3563 (ii) the charter school's plans to help students identify and transition into a new school;
- 3564 and
- 3565 (iii) contact information for the charter school during the transition.
- 3566 (4) No later than 10 days after the day on which a decision to close a charter school is
3567 made, the closing charter school shall:
- 3568 (a) designate a custodian for the protection of student files and school business records;
- 3569 (b) designate a base of operation that will be maintained throughout the charter school
3570 closing, including:
- 3571 (i) an office;
- 3572 (ii) hours of operation;
- 3573 (iii) operational telephone service with voice messaging stating the hours of operation;
- 3574 and
- 3575 (iv) a designated individual to respond to questions or requests during the hours of
3576 operation;
- 3577 (c) assure that the charter school will maintain insurance coverage and risk
3578 management coverage throughout the transition to closure and for a period following closure of
3579 the charter school as specified by the charter school's authorizer;
- 3580 (d) assure that the charter school will complete by the set deadlines for all fiscal years
3581 in which funds are received or expended by the charter school a financial audit and any other

3582 procedure required by state board rule;

3583 (e) inventory all assets of the charter school; and

3584 (f) list all creditors of the charter school and specifically identify secured creditors and
3585 assets that are security interests.

3586 (5) The closing charter school's authorizer shall oversee the closing charter school's
3587 compliance with Subsection (4).

3588 (6) (a) A closing charter school shall return any assets remaining, after all liabilities
3589 and obligations of the closing charter school are paid or discharged, to the closing charter
3590 school's authorizer.

3591 (b) The closing charter school's authorizer shall liquidate assets at fair market value or
3592 assign the assets to another public school.

3593 (7) The closing charter school's authorizer shall oversee liquidation of assets and
3594 payment of debt in accordance with state board rule.

3595 (8) The closing charter school shall:

3596 (a) comply with all state and federal reporting requirements; and

3597 (b) submit all documentation and complete all state and federal reports required by the
3598 closing charter school's authorizer or the state board, including documents to verify the closing
3599 charter school's compliance with procedural requirements and satisfaction of all financial
3600 issues.

3601 (9) When the closing charter school's financial affairs are closed out and dissolution is
3602 complete, the authorizer shall ensure that a final audit of the charter school is completed.

3603 (10) On or before January 1, 2017, the state board shall, in accordance with Title 63G,
3604 Chapter 3, Utah Administrative Rulemaking Act, and after considering suggestions from
3605 charter school authorizers, make rules that:

3606 (a) provide additional closure procedures for charter schools; and

3607 (b) establish a charter school closure process.

3608 Section 78. Section **53G-6-302** is amended to read:

3609 **53G-6-302. Child's school district of residence -- Determination -- Responsibility**

3610 **for providing educational services.**

3611 (1) As used in this section:

3612 (a) "Health care facility" means the same as that term is defined in Section 26-21-2.

3613 (b) "Human services program" means the same as that term is defined in Section

3614 62A-2-101.

3615 (c) "Supervision" means a minor child is:

3616 (i) receiving services from a state agency, local mental health authority, or substance
3617 abuse authority with active involvement or oversight; and

3618 (ii) engaged in a human services program that is properly licensed or certified and has
3619 provided the school district receiving the minor child with an education plan that complies with
3620 the requirements of Section 62A-2-108.1.

3621 (2) The school district of residence of a minor child whose custodial parent resides
3622 within Utah is:

3623 (a) the school district in which the custodial parent resides; or

3624 (b) the school district in which the child resides:

3625 (i) while in the custody or under the supervision of a Utah state agency, local mental
3626 health authority, or substance abuse authority;

3627 (ii) while under the supervision of a private or public agency which is in compliance
3628 with Section 62A-4a-606 and is authorized to provide child placement services by the state;

3629 (iii) while living with a responsible adult resident of the district, if a determination has
3630 been made in accordance with rules made by the state board in accordance with Title 63G,
3631 Chapter 3, Utah Administrative Rulemaking Act, that:

3632 (A) the child's physical, mental, moral, or emotional health will best be served by
3633 considering the child to be a resident for school purposes;

3634 (B) exigent circumstances exist that do not permit the case to be appropriately
3635 addressed under Section 53G-6-402; and

3636 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iii)
3637 does not violate any other law or rule of the state board;

3638 (iv) while the child is receiving services from a health care facility or human services
3639 program, if a determination has been made in accordance with rules made by the state board in
3640 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

3641 (A) the child's physical, mental, moral, or emotional health will best be served by
3642 considering the child to be a resident for school purposes;

3643 (B) exigent circumstances exist that do not permit the case to be appropriately
3644 addressed under Section [53G-6-402](#); and

3645 (C) considering the child to be a resident of the district under this Subsection (2)(b)(iv)
3646 does not violate any other law or rule of the state board; or

3647 (v) if the child is married or has been determined to be an emancipated minor by a
3648 court of law or by a state administrative agency authorized to make that determination.

3649 (3) A minor child whose custodial parent does not reside in the state is considered to be
3650 a resident of the district in which the child lives, unless that designation violates any other law
3651 or rule of the state board, if:

3652 (a) the child is married or an emancipated minor under Subsection (2)(b)(v);

3653 (b) the child lives with a resident of the district who is a responsible adult and whom
3654 the district agrees to designate as the child's legal guardian under Section [53G-6-303](#);

3655 (c) if permissible under policies adopted by a local school board, it is established to the
3656 satisfaction of the local school board that:

3657 (i) the child lives with a responsible adult who is a resident of the district and is the
3658 child's noncustodial parent, grandparent, brother, sister, uncle, or aunt;

3659 (ii) the child's presence in the district is not for the primary purpose of attending the
3660 public schools;

3661 (iii) the child's physical, mental, moral, or emotional health will best be served by
3662 considering the child to be a resident for school purposes; and

3663 (iv) the child is prepared to abide by the policies of the school and school district in
3664 which attendance is sought; or

3665 (d) it is established to the satisfaction of the local school board that:

- 3666 (i) the child's parent moves from the state;
- 3667 (ii) the child's parent executes a power of attorney under Section 75-5-103 that:
- 3668 (A) meets the requirements of Subsection (4); and
- 3669 (B) delegates powers regarding care, custody, or property, including schooling, to a
- 3670 responsible adult with whom the child resides;
- 3671 (iii) the responsible adult described in Subsection (3)(d)(ii)(B) is a resident of the
- 3672 district;
- 3673 (iv) the child's physical, mental, moral, or emotional health will best be served by
- 3674 considering the child to be a resident for school purposes;
- 3675 (v) the child is prepared to abide by the policies of the school and school district in
- 3676 which attendance is sought; and
- 3677 (vi) the child's attendance in the school will not be detrimental to the school or school
- 3678 district.
- 3679 (4) (a) If admission is sought under Subsection (2)(b)(iii), (3)(c), or (3)(d), then the
- 3680 district may require the person with whom the child lives to be designated as the child's
- 3681 custodian in a durable power of attorney, issued by the party who has legal custody of the child,
- 3682 granting the custodian full authority to take any appropriate action, including authorization for
- 3683 educational or medical services, in the interests of the child.
- 3684 (b) Both the party granting and the party empowered by the power of attorney shall
- 3685 agree to:
- 3686 (i) assume responsibility for any fees or other charges relating to the child's education
- 3687 in the district; and
- 3688 (ii) if eligibility for fee waivers is claimed under Section 53G-7-504, provide the
- 3689 school district with all financial information requested by the district for purposes of
- 3690 determining eligibility for fee waivers.
- 3691 (c) Notwithstanding Section 75-5-103, a power of attorney meeting the requirements of
- 3692 this section and accepted by the school district shall remain in force until the earliest of the
- 3693 following occurs:

3694 (i) the child reaches the age of 18, marries, or becomes emancipated;
3695 (ii) the expiration date stated in the document; or
3696 (iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee,
3697 or by order of a court of competent jurisdiction.

3698 (5) A power of attorney does not confer legal guardianship.

3699 (6) Each school district is responsible for providing educational services for all
3700 children of school age who are residents of the district.

3701 Section 79. Section **53G-6-504** is amended to read:

3702 **53G-6-504. Approval of increase in charter school enrollment capacity --**
3703 **Expansion.**

3704 (1) For the purposes of this section:

3705 (a) "High growth area" means an area of the state where school enrollment is
3706 significantly increasing or projected to significantly increase.

3707 (b) "Next school year" means the school year that begins on or after the July 1
3708 immediately following the end of a general session of the Legislature.

3709 (2) The state board may approve an increase in charter school enrollment capacity
3710 subject to the Legislature:

3711 (a) appropriating funds for an increase in charter school enrollment capacity in the next
3712 school year; or

3713 (b) authorizing an increase in charter school enrollment capacity in the school year
3714 immediately following the next school year.

3715 (3) In appropriating funds for, or authorizing, an increase in charter school enrollment
3716 capacity, the Legislature shall provide a separate appropriation or authorization of enrollment
3717 capacity for a charter school proposed and approved in response to a request for applications
3718 issued under Section **53G-5-301**.

3719 (4) (a) A charter school may annually submit a request to the state board for an increase
3720 in enrollment capacity in the amount of .25 times the number of students in grades 9 through
3721 12 enrolled in an online course in the previous school year through the Statewide Online

3722 Education Program.

3723 (b) A charter school shall submit a request for an increase in enrollment capacity
3724 pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase
3725 in enrollment capacity is requested.

3726 (c) The state board shall approve a request for an increase in enrollment capacity made
3727 under Subsection (4)(a) subject to the availability of sufficient funds appropriated under Title
3728 53F, Chapter 2, Part 7, Charter School Funding, to provide the full amount of the per student
3729 allocation for each charter school student in the state to supplement school district property tax
3730 revenues.

3731 (d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a
3732 permanent increase in the charter school's enrollment capacity.

3733 (5) (a) On or before January 1, 2017, the state board shall, in accordance with Title
3734 63G, Chapter 3, Utah Administrative Rulemaking Act, and after considering suggestions from
3735 charter school authorizers, make rules establishing requirements, procedures, and deadlines for
3736 an expansion of a charter school.

3737 (b) The rules described in Subsection (5)(a) shall include rules related to:

3738 (i) an expansion of a charter school when another charter school issues a notice of
3739 closure; and

3740 (ii) the establishment of a satellite campus.

3741 (6) (a) If the Legislature does not appropriate funds for an increase in charter school
3742 enrollment capacity that is tentatively approved by the state board, the state board shall
3743 prioritize the tentatively approved schools and expansions based on approved funds.

3744 (b) A charter school or expansion that is tentatively approved, but not funded, shall be
3745 considered to be tentatively approved for the next application year and receive priority status
3746 for available funding.

3747 (7) (a) Except as provided in Subsection (6)(b) or (7)(b), in approving an increase in
3748 charter school enrollment capacity for new charter schools and expanding charter schools, the
3749 state board shall give:

3750 (i) high priority to approving a new charter school or a charter school expansion in a
3751 high growth area; and

3752 (ii) low priority to approving a new charter school or a charter school expansion in an
3753 area where student enrollment is stable or declining.

3754 (b) An applicant seeking to establish a charter school in a high growth area may elect
3755 to not receive high priority status as provided in Subsection (7)(a)(i).

3756 Section 80. Section **53G-6-702** is amended to read:

3757 **53G-6-702. Dual enrollment.**

3758 (1) As used in this section, "minor" means the same as that term is defined in Section
3759 [53G-6-201](#).

3760 (2) A person having control of a minor who is enrolled in a regularly established
3761 private school or a home school may also enroll the minor in a public school for dual
3762 enrollment purposes.

3763 (3) The minor may participate in any academic activity in the public school available to
3764 students in the minor's grade or age group, subject to compliance with the same rules and
3765 requirements that apply to a full-time student's participation in the activity.

3766 (4) (a) A student enrolled in a dual enrollment program in a district school is
3767 considered a student of the district in which the district school of attendance is located for
3768 purposes of state funding to the extent of the student's participation in the district school
3769 programs.

3770 (b) A student enrolled in a dual enrollment program in a charter school is considered a
3771 student of the charter school for purposes of state funding to the extent of the student's
3772 participation in the charter school programs.

3773 (5) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3774 Act, the state board shall make rules for purposes of dual enrollment to govern and regulate the
3775 transferability of credits toward graduation that are earned in a private or home school.

3776 Section 81. Section **53G-6-803** is amended to read:

3777 **53G-6-803. Parental right to academic accommodations.**

3778 (1) (a) A student's parent is the primary person responsible for the education of the
3779 student, and the state is in a secondary and supportive role to the parent. As such, a student's
3780 parent has the right to reasonable academic accommodations from the student's LEA as
3781 specified in this section.

3782 (b) Each accommodation shall be considered on an individual basis and no student
3783 shall be considered to a greater or lesser degree than any other student.

3784 (c) The parental rights specified in this section do not include all the rights or
3785 accommodations that may be available to a student's parent as a user of the public education
3786 system.

3787 (d) An accommodation under this section may only be provided if the accommodation
3788 is:

3789 (i) consistent with federal law; and

3790 (ii) consistent with a student's IEP if the student already has an IEP.

3791 (2) An LEA shall reasonably accommodate a parent's written request to retain a student
3792 in kindergarten through grade 8 on grade level based on the student's academic ability or the
3793 student's social, emotional, or physical maturity.

3794 (3) An LEA shall reasonably accommodate a parent's initial selection of a teacher or
3795 request for a change of teacher.

3796 (4) An LEA shall reasonably accommodate the request of a student's parent to visit and
3797 observe any class the student attends.

3798 (5) Notwithstanding Part 2, Compulsory Education, an LEA shall record an excused
3799 absence for a scheduled family event or a scheduled proactive visit to a health care provider if:

3800 (a) the parent submits a written statement at least one school day before the scheduled
3801 absence; and

3802 (b) the student agrees to make up course work for school days missed for the scheduled
3803 absence in accordance with LEA policy.

3804 (6) (a) An LEA shall reasonably accommodate a parent's written request to place a
3805 student in a specialized class, a specialized program, or an advanced course.

3806 (b) An LEA shall consider multiple academic data points when determining an
3807 accommodation under Subsection (6)(a).

3808 (7) Consistent with Section [53E-4-204](#), which requires the state board to establish
3809 graduation requirements that use competency-based standards and assessments, an LEA shall
3810 allow a student to earn course credit toward high school graduation without completing a
3811 course in school by:

- 3812 (a) testing out of the course; or
- 3813 (b) demonstrating competency in course standards.

3814 (8) An LEA shall reasonably accommodate a parent's request to meet with a teacher at
3815 a mutually agreeable time if the parent is unable to attend a regularly scheduled parent teacher
3816 conference.

3817 (9) (a) At the request of a student's parent, an LEA shall excuse a student from taking
3818 an assessment that:

- 3819 (i) is federally mandated;
- 3820 (ii) is mandated by the state under this public education code; or
- 3821 (iii) requires the use of:
 - 3822 (A) a state assessment system; or
 - 3823 (B) software that is provided or paid for by the state.

3824 (b) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3825 Act, the state board shall make rules:

3826 (i) to establish a statewide procedure for excusing a student under Subsection (9)(a)
3827 that:

- 3828 (A) does not place an undue burden on a parent; and
- 3829 (B) may be completed online; and

3830 (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or
3831 an LEA's employees through school accountability or employee evaluations due to a student
3832 not taking an assesment under Subsection (9)(a).

3833 (c) An LEA:

- 3834 (i) shall follow the procedures outlined in rules made by the state board under
3835 Subsection (9)(b) to excuse a student under Subsection (9)(a);
- 3836 (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition
3837 to the procedures outlined in rules made by the state board under Subsection (9)(b); and
- 3838 (iii) may not provide a nonacademic reward to a student for taking an assessment
3839 described in Subsection (9)(a).
- 3840 (d) The state board shall:
- 3841 (i) maintain and publish a list of state assessments, state assessment systems, and
3842 software that qualify under Subsection (9)(a); and
- 3843 (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).
- 3844 (10) (a) An LEA shall provide for:
- 3845 (i) the distribution of a copy of a school's discipline and conduct policy to each student
3846 in accordance with Section [53G-8-204](#); and
- 3847 (ii) a parent's signature acknowledging receipt of the school's discipline and conduct
3848 policy.
- 3849 (b) An LEA shall notify a parent of a student's violation of a school's discipline and
3850 conduct policy and allow a parent to respond to the notice in accordance with Chapter 8, Part 2,
3851 School Discipline and Conduct Plans.
- 3852 Section 82. Section **53G-7-306** is amended to read:
- 3853 **53G-7-306. School district interfund transfers.**
- 3854 (1) A school district shall spend revenues only within the fund for which they were
3855 originally authorized, levied, collected, or appropriated.
- 3856 (2) Except as otherwise provided in this section, school district interfund transfers of
3857 residual equity are prohibited.
- 3858 (3) The state board may authorize school district interfund transfers of residual equity
3859 when a district states its intent to create a new fund or expand, contract, or liquidate an existing
3860 fund.
- 3861 (4) The state board may also authorize school district interfund transfers of residual

3862 equity for a financially distressed district if the state board determines the following:

3863 (a) the district has a significant deficit in its maintenance and operations fund caused
3864 by circumstances not subject to the administrative decisions of the district;

3865 (b) the deficit cannot be reasonably reduced under Section [53G-7-305](#); and

3866 (c) without the transfer, the school district will not be capable of meeting statewide
3867 educational standards adopted by the state board.

3868 (5) The board shall develop [~~in rule~~] by rule made in accordance with Title 63G,
3869 Chapter 3, Utah Administrative Rulemaking Act, standards for defining and aiding financially
3870 distressed school districts under this section.

3871 (6) (a) All debt service levies not subject to certified tax rate hearings shall be recorded
3872 and reported in the debt service fund.

3873 (b) Debt service levies under Subsection [59-2-924\(5\)\(c\)](#) that are not subject to the
3874 public hearing provisions of Section [59-2-919](#) may not be used for any purpose other than
3875 retiring general obligation debt.

3876 (c) Amounts from these levies remaining in the debt service fund at the end of a fiscal
3877 year shall be used in subsequent years for general obligation debt retirement.

3878 (d) Any amounts left in the debt service fund after all general obligation debt has been
3879 retired may be transferred to the capital projects fund upon completion of the budgetary hearing
3880 process required under Section [53G-7-303](#).

3881 Section 83. Section [53G-7-503](#) is amended to read:

3882 **[53G-7-503. Fees -- Prohibitions -- Voluntary supplies -- Enforcement.](#)**

3883 (1) An LEA may only charge a fee if the fee is authorized and noticed by the LEA
3884 governing board in accordance with Section [53G-7-505](#).

3885 (2) (a) An LEA may not require a fee for elementary school activities that are part of the
3886 regular school day or for supplies used during the regular school day.

3887 (b) An elementary school or elementary school teacher may compile and provide to a
3888 student's parent a suggested list of supplies for use during the regular school day so that a
3889 parent may furnish on a voluntary basis those supplies for student use.

3890 (c) A list provided to an elementary student's parent in accordance with Subsection
3891 (2)(b) shall include and be preceded by the following language:

3892 "NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR
3893 SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS,
3894 OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

3895 (3) (a) Beginning with or after the 2021-2022 school year, if an LEA imposes a fee, the
3896 fee shall be equal to or less than the expense incurred by the LEA in providing for a student the
3897 activity, course, or program for which the LEA imposes the fee.

3898 (b) An LEA may not impose an additional fee or increase a fee to supplant or subsidize
3899 another fee.

3900 (4) (a) Beginning with or after the 2021-2022 school year, and notwithstanding Section
3901 [53E-3-401](#), if the state board finds that an LEA has violated a provision of this part or Part 6,
3902 Textbook Fees, the state board shall impose corrective action against the LEA, which may
3903 include:

3904 (i) requiring an LEA to repay improperly charged fees;

3905 (ii) withholding state funds; and

3906 (iii) suspending the LEA's authority to charge fees for an amount of time specified by
3907 the state board.

3908 (b) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3909 Act, the state board shall make rules:

3910 (i) that require notice and an opportunity to be heard for an LEA affected by a state
3911 board action described in Subsection (4)(a); and

3912 (ii) to administer this Subsection (4).

3913 Section 84. Section **53G-7-504** is amended to read:

3914 **53G-7-504. Waiver of fees -- Appeal of decision.**

3915 (1) (a) If an LEA or a school within an LEA charges one or more fees, the LEA shall
3916 grant a waiver to a student if charging the fee would deny the student the opportunity to fully
3917 participate or complete a requirement because of an inability to pay the fee.

- 3918 (b) An LEA governing board shall:
- 3919 (i) adopt policies for granting a waiver; and
- 3920 (ii) in accordance with Section 53G-7-505, give notice of waiver eligibility and
- 3921 policies.
- 3922 (2) (a) An LEA that charges a fee under this part and Part 6, Textbook Fees, may
- 3923 provide a variety of alternatives for a student or family to satisfy a fee requirement, including
- 3924 allowing a student to provide:
- 3925 (i) tutorial assistance to other students;
- 3926 (ii) assistance before or after school to teachers and other school personnel on school
- 3927 related matters; and
- 3928 (iii) general community or home service.
- 3929 (b) Each LEA governing board may add to the list of alternatives provided by the state
- 3930 board, subject to approval by the state board.
- 3931 (3) With regard to a student who is in the custody of the Division of Child and Family
- 3932 Services who is also eligible under Title IV-E of the federal Social Security Act, an LEA
- 3933 governing board shall require fee waivers or alternatives in accordance with this section.
- 3934 (4) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 3935 Act, the state board shall make rules:
- 3936 (a) requiring a parent of a student applying for a fee waiver to provide documentation
- 3937 and certification to the school verifying:
- 3938 (i) the student's eligibility to receive the waiver; and
- 3939 (ii) if applicable, that the student has complied with alternatives for satisfying the fee
- 3940 requirements under Subsection (2) to the fullest extent reasonably possible according to the
- 3941 individual circumstances of the student and the LEA; and
- 3942 (b) specifying the acceptable forms of documentation for the requirement under
- 3943 Subsection (4)(a), which shall include verification based on income tax returns or current pay
- 3944 stubs.
- 3945 (5) Notwithstanding the requirements under Subsection (4), an LEA is not required to

3946 keep documentation on file after the verification is completed.

3947 (6) If a school denies a student or parent request for a fee waiver, the school shall
3948 provide the student or parent:

3949 (a) the school's written decision to deny a waiver; and

3950 (b) the procedure to appeal in accordance with LEA policy.

3951 Section 85. Section **53G-7-1004** is amended to read:

3952 **53G-7-1004. Rulemaking -- Reporting.**

3953 The state board may make rules, in accordance with Title 63G, Chapter 3, Utah
3954 Administrative Rulemaking Act, regarding compliance standards and reporting requirements
3955 for local school boards with respect to the policy required by Section **53G-7-1002**.

3956 Section 86. Section **53G-7-1206** is amended to read:

3957 **53G-7-1206. School LAND Trust Program.**

3958 (1) As used in this section:

3959 (a) "Charter school authorizer" means the same as that term is defined in Section
3960 **53G-5-102**.

3961 (b) "Charter trust land council" means a council established by a charter school
3962 governing board under Section **53G-7-1205**.

3963 (c) "Council" means a school community council or a charter trust land council.

3964 (d) "LAND trust plan" means a school's plan to use School LAND Trust Program
3965 money to implement a component of the school's success plan.

3966 (e) "School community council" means a council established at a district school in
3967 accordance with Section **53G-7-1202**.

3968 (f) "Teacher and student success plan" or "success plan" means the same as that term is
3969 defined in Section **53G-7-1301**.

3970 (2) There is established the School LAND (Learning And Nurturing Development)
3971 Trust Program under the state board to:

3972 (a) provide financial resources to public schools to enhance or improve student
3973 academic achievement and implement a component of a district school or charter school's

3974 teacher and student success plan; and

3975 (b) involve parents of a school's students in decision making regarding the expenditure

3976 of School LAND Trust Program money allocated to the school.

3977 (3) To receive an allocation under Section 53F-2-404:

3978 (a) a district school shall have established a school community council in accordance

3979 with Section 53G-7-1202;

3980 (b) a charter school shall have established a charter trust land council in accordance

3981 with Section 53G-7-1205; and

3982 (c) the school's principal shall provide a signed, written assurance that the school is in

3983 compliance with Subsection (3)(a) or (b).

3984 (4) (a) A council shall create a program to use the school's allocation distributed under

3985 Section 53F-2-404 to implement a component of the school's success plan, including:

3986 (i) the school's identified most critical academic needs;

3987 (ii) a recommended course of action to meet the identified academic needs;

3988 (iii) a specific listing of any programs, practices, materials, or equipment that the

3989 school will need to implement a component of the school's success plan to have a direct impact

3990 on the instruction of students and result in measurable increased student performance; and

3991 (iv) how the school intends to spend the school's allocation of funds under this section

3992 to enhance or improve academic excellence at the school.

3993 (b) (i) A council shall create and vote to adopt a LAND trust plan in a meeting of the

3994 council at which a quorum is present.

3995 (ii) If a majority of the quorum votes to adopt a LAND trust plan, the LAND trust plan

3996 is adopted.

3997 (c) A council shall:

3998 (i) post a LAND trust plan that is adopted in accordance with Subsection (4)(b) on the

3999 School LAND Trust Program website; and

4000 (ii) include with the LAND trust plan a report noting the number of council members

4001 who voted for or against the approval of the LAND trust plan and the number of council

4002 members who were absent for the vote.

4003 (d) (i) The local school board of a district school shall approve or disapprove a LAND
4004 trust plan.

4005 (ii) If a local school board disapproves a LAND trust plan:

4006 (A) the local school board shall provide a written explanation of why the LAND trust
4007 plan was disapproved and request the school community council who submitted the LAND
4008 trust plan to revise the LAND trust plan; and

4009 (B) the school community council shall submit a revised LAND trust plan in response
4010 to a local school board's request under Subsection (4)(d)(ii)(A).

4011 (iii) Once a LAND trust plan has been approved by a local school board, a school
4012 community council may amend the LAND trust plan, subject to a majority vote of the school
4013 community council and local school board approval.

4014 (e) A charter trust land council's LAND trust plan is subject to approval by the:

4015 (i) charter school governing board; and

4016 (ii) charter school's charter school authorizer.

4017 (5) (a) A district school or charter school shall:

4018 (i) implement the program as approved;

4019 (ii) provide ongoing support for the council's program; and

4020 (iii) meet state board reporting requirements regarding financial and performance
4021 accountability of the program.

4022 (b) (i) A district school or charter school shall prepare and post an annual report of the
4023 program on the School LAND Trust Program website each fall.

4024 (ii) The report shall detail the use of program funds received by the school under this
4025 section and an assessment of the results obtained from the use of the funds.

4026 (iii) A summary of the report shall be provided to parents of students attending the
4027 school.

4028 (6) On or before October 1 of each year, a school district shall record the amount of the
4029 program funds distributed to each school under Section [53F-2-404](#) on the School LAND Trust

4030 Program website to assist schools in developing the annual report described in Subsection
4031 (5)(b).

4032 (7) The president or chair of a local school board or charter school governing board
4033 shall ensure that the members of the local school board or charter school governing board are
4034 provided with annual training on the requirements of this section.

4035 (8) (a) The School LAND Trust Program shall provide training to the entities described
4036 in Subsection (8)(b) on:

4037 (i) the School LAND Trust Program; and

4038 (ii) (A) a school community council; or

4039 (B) a charter trust land council.

4040 (b) The School LAND Trust Program shall provide the training to:

4041 (i) a local school board or a charter school governing board;

4042 (ii) a school district or a charter school; and

4043 (iii) a school community council.

4044 (9) The School LAND Trust Program shall annually review each school's compliance
4045 with applicable law, including rules adopted by the state board in accordance with Title 63G,
4046 Chapter 3, Utah Administrative Rulemaking Act, by:

4047 (a) reading each LAND trust plan submitted; and

4048 (b) reviewing expenditures made from School LAND Trust Program money.

4049 (10) The state board shall designate a staff member who administers the School LAND
4050 Trust Program:

4051 (a) to serve as a member of the Land Trusts Protection and Advocacy Committee
4052 created under Section [53D-2-202](#); and

4053 (b) who may coordinate with the Land Trusts Protection and Advocacy Office director,
4054 appointed under Section [53D-2-203](#), to attend meetings or events within the School and
4055 Institutional Trust System, as defined in Section [53D-2-102](#), that relate to the School LAND
4056 Trust Program.

4057 Section 87. Section **53G-7-1304** is amended to read:

4058 **53G-7-1304. Program requirements -- LEA governing board student success**
4059 **framework -- LEA distribution -- School allocation -- Reporting.**

4060 (1) (a) To receive an LEA distribution, an LEA governing board shall:

4061 (i) adopt an LEA governing board student success framework to provide guidelines and
4062 processes for a school within the LEA governing board's LEA to follow in developing a teacher
4063 and student success plan; and

4064 (ii) submit the adopted LEA governing board student success framework to the state
4065 board.

4066 (b) An LEA governing board may include in the LEA governing board's student
4067 success framework any means reasonably designed to improve school performance or student
4068 academic achievement, including:

4069 (i) school personnel stipends for taking on additional responsibility outside of a typical
4070 work assignment;

4071 (ii) professional learning;

4072 (iii) additional school employees, including counselors, social workers, mental health
4073 workers, tutors, media specialists, information technology specialists, or other specialists;

4074 (iv) technology;

4075 (v) before- or after-school programs;

4076 (vi) summer school programs;

4077 (vii) community support programs or partnerships;

4078 (viii) early childhood education;

4079 (ix) class size reduction strategies;

4080 (x) augmentation of existing programs; or

4081 (xi) other means.

4082 (c) An LEA governing board student success framework may not support the use of
4083 program money:

4084 (i) to supplant funding for existing public education programs;

4085 (ii) for district administration costs; or

4086 (iii) for capital expenditures.

4087 (2) (a) An LEA governing board shall use an LEA distribution as follows:

4088 (i) for increases to base salary and salary driven benefits for school personnel that,

4089 except as provided in Subsection (2)(c)(i), total 25% or less of the LEA distribution; and

4090 (ii) except as provided in Subsection (2)(b)(ii) and in accordance with Subsection (3),

4091 for each school within the LEA governing board's LEA, an allocation that is equal to the

4092 product of:

4093 (A) the percentage of the school's prior year average daily membership compared to the

4094 total prior year average daily membership for all schools in the LEA; and

4095 (B) the remaining amount of the LEA governing board's LEA distribution after

4096 subtracting the amounts described in Subsections (2)(a)(i) and (2)(b)(ii).

4097 (b) (i) ~~The~~ In accordance with Title 63G, Chapter 3, Utah Administrative

4098 Rulemaking Act, the state board shall make rules for an LEA governing board to calculate and

4099 distribute a school allocation for a school in the school's first year of operation.

4100 (ii) In accordance with Subsection (3) and the rules described in Subsection (2)(b)(i),

4101 an LEA governing board shall distribute a school allocation for a school in the school's first

4102 year of operation.

4103 (c) Except as provided in Subsection (2)(d), the LEA governing board of a school

4104 district may use up to 40% of an LEA distribution for the purposes described in Subsection

4105 (2)(a)(i), if:

4106 (i) the LEA governing board has:

4107 (A) approved a board local levy for the maximum amount allowed under Section

4108 [53F-8-302](#); or

4109 (B) after the LEA governing board has submitted an LEA governing board student

4110 success framework to the state board, increased the board local levy described in Section

4111 [53F-8-302](#) by at least .0001 per dollar of taxable value; and

4112 (ii) the school district's average teacher salary is below the state average teacher salary

4113 described in Subsection (2)(f).

4114 (d) The LEA governing board of a school district in a county of the fourth, fifth, or
4115 sixth class or the LEA governing board of a charter school may use up to 40% of an LEA
4116 distribution for the purposes described in Subsection (2)(a)(i), if the LEA's average teacher
4117 salary is below the state average teacher salary described in Subsection (2)(f).

4118 (e) An LEA governing board shall annually report information as requested by the state
4119 board for the state board to calculate a state average teacher salary.

4120 (f) The state board shall use the information described in Subsection (2)(c)(ii) to
4121 calculate a state average teacher salary amount and a state average teacher benefit amount.

4122 (3) An LEA governing board shall allocate a school allocation to a school with a
4123 teacher and student success plan that is approved as described in Section [53G-7-1305](#).

4124 (4) (a) Except as provided in Subsection (4)(b), a school shall use a school allocation to
4125 implement the school's success plan.

4126 (b) A school may use up to 5% of the school's school allocation to fund school
4127 personnel retention at the principal's discretion, not including uniform salary increases.

4128 (c) A school may not use a school allocation for:

4129 (i) capital expenditures; or

4130 (ii) a purpose that is not supported by the LEA governing board student success
4131 framework for the school's LEA.

4132 (5) A school that receives a school allocation shall annually:

4133 (a) submit to the school's LEA governing board a description of:

4134 (i) the budgeted and actual expenditures of the school's school allocation;

4135 (ii) how the expenditures relate to the school's success plan; and

4136 (iii) how the school measures the success of the school's participation in the program;

4137 and

4138 (b) post on the school's website:

4139 (i) the school's approved success plan;

4140 (ii) a description of the school's school allocation budgeted and actual expenditures and
4141 how the expenditures help the school accomplish the school's success plan; and

4142 (iii) the school's current level of performance, as described in Section 53G-7-1306,
4143 according to the indicators described in Section 53E-5-205 or 53E-5-206.

4144 Section 88. Section 53G-7-1306 is amended to read:

4145 **53G-7-1306. School improvement oversight -- Performance standards.**

4146 (1) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4147 Act, the state board shall make rules that:

4148 (a) using a criteria-setting process, determine a threshold of points under the statewide
4149 school accountability system that designates a school as succeeding in school performance and
4150 student academic achievement; and

4151 (b) determine performance standards for a school described in Section 53E-5-203.

4152 (2) (a) For each year following the year in which a school received approval for a
4153 success plan, an LEA governing board shall determine if the school:

4154 (i) meets or exceeds the threshold of points described in Subsection (1);

4155 (ii) has demonstrated at least a 1% increase in the school's total points received under
4156 the statewide school accountability system compared to the previous school year; or

4157 (iii) qualifies for and satisfies the performance standards described in Subsection
4158 (1)(b).

4159 (b) If the LEA governing board determines that a school does not satisfy Subsection
4160 (2)(a)(i), (ii), or (iii), the LEA governing board shall:

4161 (i) work with the school's principal to modify the school's success plan to address the
4162 school's performance; and

4163 (ii) oversee and adjust the school's allocation expenditures until the LEA governing
4164 board determines the school satisfies Subsection (2)(a)(i), (ii), or (iii).

4165 Section 89. Section 53G-8-702 is amended to read:

4166 **53G-8-702. School resource officer training -- Curriculum.**

4167 (1) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4168 Act, the state board shall make rules that prepare and make available a training program for
4169 school principals and school resource officers to attend.

4170 (2) To create the curriculum and materials for the training program described in
4171 Subsection (1), the state board shall:

4172 (a) work in conjunction with the State Commission on Criminal and Juvenile Justice
4173 created in Section [63M-7-201](#);

4174 (b) solicit input from local school boards, charter school governing boards, and the
4175 Utah Schools for the Deaf and the Blind;

4176 (c) solicit input from local law enforcement and other interested community
4177 stakeholders; and

4178 (d) consider the current United States Department of Education recommendations on
4179 school discipline and the role of a school resource officer.

4180 (3) The training program described in Subsection (1) may include training on the
4181 following:

4182 (a) childhood and adolescent development;

4183 (b) responding age-appropriately to students;

4184 (c) working with disabled students;

4185 (d) techniques to de-escalate and resolve conflict;

4186 (e) cultural awareness;

4187 (f) restorative justice practices;

4188 (g) identifying a student exposed to violence or trauma and referring the student to
4189 appropriate resources;

4190 (h) student privacy rights;

4191 (i) negative consequences associated with youth involvement in the juvenile and
4192 criminal justice systems;

4193 (j) strategies to reduce juvenile justice involvement; and

4194 (k) roles of and distinctions between a school resource officer and other school staff
4195 who help keep a school secure.

4196 (4) The state board shall work together with the Department of Public Safety, the State
4197 Commission on Criminal and Juvenile Justice, and state and local law enforcement to establish

4198 policies and procedures that govern student resource officers.

4199 Section 90. Section **53G-8-802** is amended to read:

4200 **53G-8-802. State Safety and Support Program -- State board duties.**

4201 (1) There is created the State Safety and Support Program.

4202 (2) The state board shall:

4203 (a) develop in conjunction with the Division of Substance Abuse and Mental Health

4204 model student safety and support policies for an LEA, including:

4205 (i) evidence-based procedures for the assessment of and intervention with an individual

4206 whose behavior poses a threat to school safety;

4207 (ii) procedures for referrals to law enforcement; and

4208 (iii) procedures for referrals to a community services entity, a family support

4209 organization, or a health care provider for evaluation or treatment;

4210 (b) provide training:

4211 (i) in school safety;

4212 (ii) in evidence-based approaches to improve school climate and address and correct

4213 bullying behavior;

4214 (iii) in evidence-based approaches in identifying an individual who may pose a threat

4215 to the school community;

4216 (iv) in evidence-based approaches in identifying an individual who may be showing

4217 signs or symptoms of mental illness;

4218 (v) on permitted disclosures of student data to law enforcement and other support

4219 services under the Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

4220 (vi) on permitted collection of student data under 20 U.S.C. Sec. 1232h and Sections

4221 [53E-9-203](#) and [53E-9-305](#);

4222 (c) conduct and disseminate evidence-based research on school safety concerns;

4223 (d) disseminate information on effective school safety initiatives;

4224 (e) encourage partnerships between public and private sectors to promote school safety;

4225 (f) provide technical assistance to an LEA in the development and implementation of

4226 school safety initiatives;

4227 (g) in conjunction with the Department of Public Safety, develop and make available to
4228 an LEA a model critical incident response training program that includes protocols for
4229 conducting a threat assessment, and ensuring building security during an incident;

4230 (h) provide space for the public safety liaison described in Section 53-1-106 and the
4231 school-based mental health specialist described in Section 62A-15-103;

4232 (i) create a model school climate survey that may be used by an LEA to assess
4233 stakeholder perception of a school environment and, in accordance with Title 63G, Chapter 3,
4234 Utah Administrative Rulemaking Act, adopt rules:

4235 (i) requiring an LEA to:

4236 (A) create or adopt and disseminate a school climate survey; and

4237 (B) disseminate the school climate survey;

4238 (ii) recommending the distribution method, survey frequency, and sample size of the
4239 survey; and

4240 (iii) specifying the areas of content for the school climate survey; and

4241 (j) collect aggregate data and school climate survey results from each LEA.

4242 (3) Nothing in this section requires an individual to respond to a school climate survey.

4243 Section 91. Section 53G-9-607 is amended to read:

4244 **53G-9-607. Training, education, and prevention -- Standards.**

4245 (1) (a) An LEA governing board shall include in the training of a school employee
4246 training regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation that meets
4247 the standards described in Subsection (4).

4248 (b) An LEA governing board may offer voluntary training to parents and students
4249 regarding abusive conduct.

4250 (2) To the extent that state or federal funding is available for this purpose, LEA
4251 governing boards are encouraged to implement programs or initiatives, in addition to the
4252 training described in Subsection (1), to provide for training and education regarding, and the
4253 prevention of, bullying, hazing, abusive conduct, and retaliation.

- 4254 (3) The programs or initiatives described in Subsection (2) may involve:
- 4255 (a) the establishment of a bullying task force; or
- 4256 (b) the involvement of school employees, students, or law enforcement.
- 4257 (4) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 4258 Act, the state board shall make rules that establish standards for high quality training related to
- 4259 bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

4260 Section 92. Section **53G-9-704** is amended to read:

4261 **53G-9-704. Youth suicide prevention training for employees.**

4262 (1) A school district or charter school shall require a licensed employee to complete a

4263 minimum of two hours of professional development training on youth suicide prevention every

4264 three years.

4265 (2) The state board shall:

4266 (a) develop or adopt sample materials to be used by a school district or charter school

4267 for professional development training on youth suicide prevention; and

4268 (b) ~~[incorporate in rule]~~ by rule made in accordance with Title 63G, Chapter 3, Utah

4269 Administrative Rulemaking Act, incorporate the training described in Subsection (1) into

4270 professional development training described in Section 53E-6-201.

4271 Section 93. Section **53G-9-801** is amended to read:

4272 **53G-9-801. Definitions.**

4273 As used in Section **53G-9-802**:

4274 (1) "Attainment goal" means earning:

4275 (a) a high school diploma;

4276 (b) a Utah High School Completion Diploma, as defined in state board rule made in

4277 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

4278 (c) an Adult Education Secondary Diploma, as defined in state board rule made in

4279 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

4280 (d) an employer-recognized, industry-based certificate that is:

4281 (i) likely to result in job placement; and

4282 (ii) included in the state board's approved career and technical education industry
4283 certification list.

4284 (2) "Cohort" means a group of students, defined by the year in which the group enters
4285 grade 9.

4286 (3) "Designated student" means a student:

4287 (a) (i) who has withdrawn from an LEA before earning a diploma;

4288 (ii) who has been dropped from average daily membership; and

4289 (iii) whose cohort has not yet graduated; or

4290 (b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined
4291 by the student's LEA, using risk factors defined in rules made by the state board in accordance
4292 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

4293 (4) "Graduation rate" means:

4294 (a) for a school district or a charter school that includes grade 12, the graduation rate
4295 calculated by the state board for federal accountability and reporting purposes; or

4296 (b) for a charter school that does not include grade 12, a proxy graduation rate defined
4297 in rules made by the state board in accordance with Title 63G, Chapter 3, Utah Administrative
4298 Rulemaking Act.

4299 (5) "Local education agency" or "LEA" means a school district or charter school that
4300 serves students in grade 9, 10, 11, or 12.

4301 (6) "Nontraditional program" means a program, as defined in rules made by the state
4302 board under Subsection [53E-3-501\(1\)\(e\)](#), in which a student receives instruction through:

4303 (a) distance learning;

4304 (b) online learning;

4305 (c) blended learning; or

4306 (d) competency-based learning.

4307 (7) "Statewide graduation rate" means:

4308 (a) for a school district or a charter school that includes grade 12, the statewide
4309 graduation rate, as annually calculated by the state board; or

4310 (b) for a charter school that does not include grade 12, the average graduation rate for
4311 all charter schools that do not include grade 12.

4312 (8) "Third party" means:

4313 (a) a private provider; or

4314 (b) an LEA that does not meet the criteria described in Subsection 53G-9-802(3).

4315 Section 94. Section 53G-10-304 is amended to read:

4316 **53G-10-304. Instruction on the flag of the United States of America.**

4317 (1) [~~The~~] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4318 Act, the state board shall provide by rule for a program of instruction within the public schools
4319 relating to the flag of the United States.

4320 (2) The instruction shall include the history of the flag, etiquette, customs pertaining to
4321 the display and use of the flag, and other patriotic exercises as provided by 4 U.S.C. Secs. 1 to
4322 10.

4323 (3) (a) The pledge of allegiance to the flag shall be recited once at the beginning of
4324 each day in each public school classroom in the state, led by a student in the classroom, as
4325 assigned by the classroom teacher on a rotating basis.

4326 (b) Each student shall be informed by posting a notice in a conspicuous place that the
4327 student has the right not to participate in reciting the pledge.

4328 (c) A student shall be excused from reciting the pledge upon written request from the
4329 student's parent.

4330 (d) (i) At least once a year students shall be instructed that:

4331 (A) participation in the pledge of allegiance is voluntary and not compulsory; and

4332 (B) not only is it acceptable for someone to choose not to participate in the pledge of
4333 allegiance for religious or other reasons, but students should show respect for any student who
4334 chooses not to participate.

4335 (ii) A public school teacher shall strive to maintain an atmosphere among students in
4336 the classroom that is consistent with the principles described in Subsection (3)(d)(i).

4337 Section 95. Section 53G-10-402 is amended to read:

4338 **53G-10-402. Instruction in health -- Parental consent requirements -- Conduct**
4339 **and speech of school employees and volunteers -- Political and religious doctrine**
4340 **prohibited.**

4341 (1) As used in this section:

4342 (a) "LEA governing board" means a local school board or charter school governing
4343 board.

4344 (b) "Refusal skills" means instruction:

4345 (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or
4346 adult;

4347 (ii) in a student's obligation to stop the student's sexual advances if refused by another
4348 individual;

4349 (iii) informing a student of the student's right to report and seek counseling for
4350 unwanted sexual advances;

4351 (iv) in sexual harassment; and

4352 (v) informing a student that a student may not consent to criminally prohibited
4353 activities or activities for which the student is legally prohibited from giving consent, including
4354 the electronic transmission of sexually explicit images by an individual of the individual or
4355 another.

4356 (2) (a) The state board shall establish curriculum requirements under Section
4357 [53E-3-501](#) that include instruction in:

4358 (i) community and personal health;

4359 (ii) physiology;

4360 (iii) personal hygiene;

4361 (iv) prevention of communicable disease;

4362 (v) refusal skills; and

4363 (vi) the harmful effects of pornography.

4364 (b) [The] In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4365 Act, the state board shall make rules that, and instruction shall:

- 4366 (i) stress the importance of abstinence from all sexual activity before marriage and
4367 fidelity after marriage as methods for preventing certain communicable diseases;
- 4368 (ii) stress personal skills that encourage individual choice of abstinence and fidelity;
- 4369 (iii) prohibit instruction in:
- 4370 (A) the intricacies of intercourse, sexual stimulation, or erotic behavior;
- 4371 (B) the advocacy of premarital or extramarital sexual activity; or
- 4372 (C) the advocacy or encouragement of the use of contraceptive methods or devices; and
- 4373 (iv) except as provided in Subsection (2)(d), allow instruction to include information
4374 about contraceptive methods or devices that stresses effectiveness, limitations, risks, and
4375 information on state law applicable to minors obtaining contraceptive methods or devices.
- 4376 (c) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4377 Act, the state board shall make rules for an LEA governing board that adopts instructional
4378 materials under Subsection (2)(g)(ii) that:
- 4379 (i) require the LEA governing board to report on the materials selected and the LEA
4380 governing board's compliance with Subsection (2)(h); and
- 4381 (ii) provide for an appeal and review process of the LEA governing board's adoption of
4382 instructional materials.
- 4383 (d) The state board may not require an LEA to teach or adopt instructional materials
4384 that include information on contraceptive methods or devices.
- 4385 (e) (i) At no time may instruction be provided, including responses to spontaneous
4386 questions raised by students, regarding any means or methods that facilitate or encourage the
4387 violation of any state or federal criminal law by a minor or an adult.
- 4388 (ii) Subsection (2)(e)(i) does not preclude an instructor from responding to a
4389 spontaneous question as long as the response is consistent with the provisions of this section.
- 4390 (f) The state board shall recommend instructional materials for use in the curricula
4391 required under Subsection (2)(a) after considering evaluations of instructional materials by the
4392 State Instructional Materials Commission.
- 4393 (g) An LEA governing board may choose to adopt:

4394 (i) the instructional materials recommended under Subsection (2)(f); or
4395 (ii) other instructional materials in accordance with Subsection (2)(h).

4396 (h) An LEA governing board that adopts instructional materials under Subsection
4397 (2)(g)(ii) shall:

4398 (i) ensure that the materials comply with state law and board rules;
4399 (ii) base the adoption of the materials on the recommendations of the LEA governing
4400 board's Curriculum Materials Review Committee; and

4401 (iii) adopt the instructional materials in an open and regular meeting of the LEA
4402 governing board for which prior notice is given to parents of students attending the respective
4403 schools and an opportunity for parents to express their views and opinions on the materials at
4404 the meeting.

4405 (3) (a) A student shall receive instruction in the courses described in Subsection (2) on
4406 at least two occasions during the period that begins with the beginning of grade 8 and the end
4407 of grade 12.

4408 (b) At the request of the state board, the Department of Health shall cooperate with the
4409 state board in developing programs to provide instruction in those areas.

4410 (4) (a) The state board shall adopt rules that:

4411 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323
4412 are complied with; and

4413 (ii) require a student's parent to be notified in advance and have an opportunity to
4414 review the information for which parental consent is required under Sections 76-7-322 and
4415 76-7-323.

4416 (b) The state board shall also provide procedures for disciplinary action for violation of
4417 Section 76-7-322 or 76-7-323.

4418 (5) (a) In keeping with the requirements of Section 53G-10-204, and because school
4419 employees and volunteers serve as examples to their students, school employees or volunteers
4420 acting in their official capacities may not support or encourage criminal conduct by students,
4421 teachers, or volunteers.

4422 (b) To ensure the effective performance of school personnel, the limitations described
4423 in Subsection (5)(a) also apply to a school employee or volunteer acting outside of the school
4424 employee's or volunteer's official capacities if:

4425 (i) the employee or volunteer knew or should have known that the employee's or
4426 volunteer's action could result in a material and substantial interference or disruption in the
4427 normal activities of the school; and

4428 (ii) that action does result in a material and substantial interference or disruption in the
4429 normal activities of the school.

4430 (c) The state board or an LEA governing board may not allow training of school
4431 employees or volunteers that supports or encourages criminal conduct.

4432 (d) The state board shall adopt, in accordance with Title 63G, Chapter 3, Utah
4433 Administrative Rulemaking Act, rules implementing this section.

4434 (e) Nothing in this section limits the ability or authority of the state board or an LEA
4435 governing board to enact and enforce rules or take actions that are otherwise lawful, regarding
4436 educators', employees', or volunteers' qualifications or behavior evidencing unfitness for duty.

4437 (6) Except as provided in Section [53G-10-202](#), political, atheistic, sectarian, religious,
4438 or denominational doctrine may not be taught in the public schools.

4439 (7) (a) An LEA governing board and an LEA governing board's employees shall
4440 cooperate and share responsibility in carrying out the purposes of this chapter.

4441 (b) An LEA governing board shall provide appropriate professional development for
4442 the LEA governing board's teachers, counselors, and school administrators to enable them to
4443 understand, protect, and properly instruct students in the values and character traits referred to
4444 in this section and Sections [53E-9-202](#), [53E-9-203](#), [53G-10-202](#), [53G-10-203](#), [53G-10-204](#),
4445 and [53G-10-205](#), and distribute appropriate written materials on the values, character traits, and
4446 conduct to each individual receiving the professional development.

4447 (c) An LEA governing board shall make the written materials described in Subsection
4448 (7)(b) available to classified employees, students, and parents of students.

4449 (d) In order to assist an LEA governing board in providing the professional

4450 development required under Subsection (7)(b), the state board shall, as appropriate, contract
4451 with a qualified individual or entity possessing expertise in the areas referred to in Subsection
4452 (7)(b) to develop and disseminate model teacher professional development programs that an
4453 LEA governing board may use to train the individuals referred to in Subsection (7)(b) to
4454 effectively teach the values and qualities of character referenced in Subsection (7).

4455 (e) In accordance with the provisions of Subsection (5)(c), professional development
4456 may not support or encourage criminal conduct.

4457 (8) An LEA governing board shall review every two years:

4458 (a) LEA governing board policies on instruction described in this section;

4459 (b) for a local school board of a school district, data for each county that the school
4460 district is located in, or, for a charter school governing board, data for the county in which the
4461 charter school is located, on the following:

4462 (i) teen pregnancy;

4463 (ii) child sexual abuse; and

4464 (iii) sexually transmitted diseases and sexually transmitted infections; and

4465 (c) the number of pornography complaints or other instances reported within the
4466 jurisdiction of the LEA governing board.

4467 (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this
4468 section, or the application thereof to any person or circumstance, is found to be
4469 unconstitutional, the balance of this section shall be given effect without the invalid provision,
4470 subsection, sentence, clause, phrase, or word.

4471 Section 96. Section **53G-10-406** is amended to read:

4472 **53G-10-406. Underage Drinking Prevention Program -- State board rules.**

4473 (1) As used in this section:

4474 (a) "Advisory council" means the Underage Drinking Prevention Program Advisory
4475 Council created in this section.

4476 (b) "Program" means the Underage Drinking Prevention Program created in this
4477 section.

4478 (c) "School-based prevention program" means an evidence-based program intended for
4479 students aged 13 and older that:

- 4480 (i) is aimed at preventing underage consumption of alcohol;
- 4481 (ii) is delivered by methods that engage students in storytelling and visualization;
- 4482 (iii) addresses the behavioral risk factors associated with underage drinking; and
- 4483 (iv) provides practical tools to address the dangers of underage drinking.

4484 (2) There is created the Underage Drinking Prevention Program that consists of:

- 4485 (a) a school-based prevention program for students in grade 7 or 8; and
- 4486 (b) a school-based prevention program for students in grade 9 or 10 that increases
4487 awareness of the dangers of driving under the influence of alcohol.

4488 (3) (a) Beginning with the 2018-19 school year, an LEA shall offer the program each
4489 school year to each student in grade 7 or 8 and grade 9 or 10.

4490 (b) An LEA shall select from the providers qualified by the state board under
4491 Subsection (6) to offer the program.

4492 (4) The state board shall administer the program with input from the advisory council.

4493 (5) There is created the Underage Drinking Prevention Program Advisory Council
4494 comprised of the following members:

4495 (a) the executive director of the Department of Alcoholic Beverage Control or the
4496 executive director's designee;

4497 (b) the executive director of the Department of Health or the executive director's
4498 designee;

4499 (c) the director of the Division of Substance Abuse and Mental Health or the director's
4500 designee;

4501 (d) the director of the Division of Child and Family Services or the director's designee;

4502 (e) the director of the Division of Juvenile Justice Services or the director's designee;

4503 (f) the state superintendent or the state superintendent's designee; and

4504 (g) two members of the state board, appointed by the chair of the state board.

4505 (6) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state

4506 board shall qualify one or more providers to provide the program to an LEA.

4507 (b) In selecting a provider described in Subsection (6)(a), the state board shall consider:

4508 (i) whether the provider's program complies with the requirements described in this
4509 section;

4510 (ii) the extent to which the provider's underage drinking prevention program aligns
4511 with core standards for Utah public schools; and

4512 (iii) the provider's experience in providing a program that is effective at reducing
4513 underage drinking.

4514 (7) (a) The state board shall use money from the Underage Drinking Prevention
4515 Program Restricted Account described in Section 53F-9-304 for the program.

4516 (b) The state board may use money from the Underage Drinking Prevention Program
4517 Restricted Account to fund up to .5 of a full-time equivalent position to administer the
4518 program.

4519 (8) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4520 Act, the state board shall make rules that:

4521 (a) beginning with the 2018-19 school year, require an LEA to offer the Underage
4522 Drinking Prevention Program each school year to each student in grade 7 or 8 and grade 9 or
4523 10; and

4524 (b) establish criteria for the state board to use in selecting a provider described in
4525 Subsection (6).

4526 Section 97. Section **53G-10-502** is amended to read:

4527 **53G-10-502. Driver education established by school districts.**

4528 (1) (a) Local school districts may establish and maintain driver education for pupils.

4529 (b) A school or local school district that provides driver education shall provide an
4530 opportunity for each pupil enrolled in that school or local school district to take the written test
4531 when the pupil is 15 years and nine months of age.

4532 (c) Notwithstanding the provisions of Subsection (1)(b), a school or local school
4533 district that provides driver education may provide an opportunity for each pupil enrolled in

4534 that school or school district to take the written test when the pupil is 15 years of age.

4535 (2) The purpose of driver education is to help develop the knowledge, attitudes, habits,
4536 and skills necessary for the safe operation of motor vehicles.

4537 (3) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4538 Act, the state board shall make rules for driver education offered in the public schools.

4539 (4) The rules under Subsection (3) shall:

4540 (a) require at least one hour of classroom training on the subject of railroad crossing
4541 safety for each driver education pupil;

4542 (b) require instruction, based on data and information provided by the Division of Air
4543 Quality, on:

4544 (i) ways drivers can improve air quality; and

4545 (ii) the harmful effects of vehicle emissions; and

4546 (c) establish minimum standards for approved driving ranges under Section
4547 [53-3-505.5](#).

4548 (5) The requirements of Section [53-3-505.5](#) apply to any behind-the-wheel driving
4549 training provided as part of driver education offered under this part and used to satisfy the
4550 driver training requirement under Section [53-3-204](#).

4551 Section 98. Section **53G-10-507** is amended to read:

4552 **53G-10-507. Driver education teachers certified as license examiners.**

4553 (1) The Driver License Division of the Department of Public Safety and the state board
4554 shall establish procedures and standards to certify teachers of driver education classes under
4555 this part to administer written and driving tests.

4556 (2) The division is the certifying authority.

4557 (3) (a) A teacher certified under this section shall give written and driving tests
4558 designed for driver education classes authorized under this part.

4559 (b) The Driver License Division shall, in conjunction with the state board, establish
4560 minimal standards for the driver education class tests that are at least as difficult as those
4561 required to receive a class D operator's license under Title 53, Chapter 3, Uniform Driver

4562 License Act.

4563 (c) A student who passes the written test but fails the driving test given by a teacher
4564 certified under this section may apply for a learner permit or class D operator's license under
4565 Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver
4566 License Division office.

4567 (4) A student shall have a learner permit issued by the Driver License Division under
4568 Section [53-3-210.5](#) in the student's immediate possession at all times when operating a motor
4569 vehicle under this section.

4570 (5) A student who successfully passes the tests given by a certified driver education
4571 teacher under this section satisfies the written and driving parts of the test required for a learner
4572 permit or class D operator's license.

4573 (6) The Driver License Division and the state board shall establish procedures to
4574 enable school districts to administer or process any tests for students to receive a learner permit
4575 or class D operator's license.

4576 (7) The division and state board shall establish the standards and procedures required
4577 under this section by rules made in accordance with Title 63G, Chapter 3, Utah Administrative
4578 Rulemaking Act.

4579 Section 99. Section **53G-10-508** is amended to read:

4580 **53G-10-508. Programs authorized -- Minimum standards.**

4581 (1) Local school districts may:

4582 (a) allow students to complete the classroom training portion of driver education
4583 through home study;

4584 (b) provide each parent with driver education instructional materials to assist in parent
4585 involvement with driver education including behind-the-wheel driving materials;

4586 (c) offer driver education outside of school hours in order to reduce the cost of
4587 providing driver education;

4588 (d) offer driver education through community education programs;

4589 (e) offer the classroom portion of driver education in the public schools and allow the

4590 student to complete the behind-the-wheel portion with a private provider:

- 4591 (i) licensed under Section 53-3-504; and
- 4592 (ii) not associated with the school or under contract with the school under Subsection
- 4593 53G-10-503(3); or
- 4594 (f) any combination of Subsections (1)(a) through (e).

4595 (2) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4596 Act, the state board shall establish in rule minimum standards for the school-related programs
4597 under Subsection (1).

4598 Section 100. Section 53G-11-304 is amended to read:

4599 **53G-11-304. Educator exit survey -- Rulemaking -- Local education agencies to**
4600 **create and administer exit surveys -- Reporting.**

4601 (1) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4602 Act, the state board shall make rules that establish:

4603 (a) minimum standards for an exit survey described in Subsection (2), including a
4604 model exit survey; and

4605 (b) LEA exit survey reporting requirements.

4606 (2) An LEA shall, in accordance with the rules described in Subsection (1):

4607 (a) for an educator who is leaving employment at the LEA:

4608 (i) create an exit survey; and

4609 (ii) make the LEA's best effort to administer the exit survey to the educator before the
4610 educator leaves employment at the LEA; and

4611 (b) report the results of an administered exit survey to the state board.

4612 (3) The state board shall:

4613 (a) before taking final action on the rules described in Subsection (1), report the
4614 proposed rules to the Education Interim Committee and consider recommendations from the
4615 committee regarding the proposed rules; and

4616 (b) on or before November 30, 2020, and as requested by the Education Interim
4617 Committee, report to the committee on the results described in Subsection (2)(b).

4618 Section 101. Section **53G-11-504** is amended to read:

4619 **53G-11-504. Evaluation of employee performance.**

4620 (1) Except as provided in Subsection (2), a local school board shall require that the
4621 performance of each school district employee be evaluated annually in accordance with rules of
4622 the state board adopted in accordance with this part and Title 63G, Chapter 3, Utah
4623 Administrative Rulemaking Act.

4624 (2) Rules adopted by the state board under Subsection (1) may include an exemption
4625 from annual performance evaluations for a temporary employee or a part-time employee.

4626 Section 102. Section **53G-11-508** is amended to read:

4627 **53G-11-508. Summative evaluation timelines -- Review of summative evaluations.**

4628 (1) The person responsible for administering an educator's summative evaluation shall:

4629 (a) at least 15 days before an educator's first evaluation:

4630 (i) notify the educator of the evaluation process; and

4631 (ii) give the educator a copy of the evaluation instrument, if an instrument is used;

4632 (b) allow the educator to respond to any part of the evaluation;

4633 (c) attach the educator's response to the evaluation if the educator's response is
4634 provided in writing;

4635 (d) within 15 days after the evaluation process is completed, discuss the written
4636 evaluation with the educator; and

4637 (e) based upon the educator's performance, assign to the educator one of the four levels
4638 of performance described in Section **53G-11-507**.

4639 (2) An educator who is not satisfied with a summative evaluation may request a review
4640 of the evaluation within 15 days after receiving the written evaluation.

4641 (3) (a) If a review is requested in accordance with Subsection (2), the school district
4642 superintendent or the superintendent's designee shall appoint a person not employed by the
4643 school district who has expertise in teacher or personnel evaluation to review the evaluation
4644 procedures and make recommendations to the superintendent regarding the educator's
4645 summative evaluation.

4646 (b) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4647 Act, the state board shall make rules prescribing standards for an independent review of an
4648 educator's summative evaluation.

4649 (c) A review of an educator's summative evaluation under Subsection (3)(a) shall be
4650 conducted in accordance with state board rules made under Subsection (3)(b).

4651 Section 103. Section **53G-11-510** is amended to read:

4652 **53G-11-510. State board to describe a framework for the evaluation of educators.**

4653 (1) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4654 Act, the state board shall make rules:

4655 (a) describing a framework for the evaluation of educators that is consistent with the
4656 requirements of Part 3, Licensed Employee Requirements, and Sections **53G-11-506**,
4657 **53G-11-507**, **53G-11-508**, **53G-11-509**, **53G-11-510**, and **53G-11-511**; and

4658 (b) requiring an educator's summative evaluation to be based on:

4659 (i) educator professional standards established by the state board; and

4660 (ii) the requirements described in Subsection **53G-11-507**(1).

4661 (2) The rules described in Subsection (1) shall prohibit the use of end-of-level
4662 assessment scores in educator evaluation.

4663 Section 104. Section **53G-11-511** is amended to read:

4664 **53G-11-511. Report of performance levels.**

4665 (1) A school district shall report to the state board the number and percent of educators
4666 in each of the four levels of performance assigned under Section **53G-11-508**.

4667 (2) The data reported under Subsection (1) shall be separately reported for the
4668 following educator classifications:

4669 (a) administrators;

4670 (b) teachers, including separately reported data for provisional teachers and career
4671 teachers; and

4672 (c) other classifications or demographics of educators as determined by the state board.

4673 (3) The state superintendent shall include the data reported by school districts under

4674 this section in the State Superintendent's Annual Report required by Section 53E-3-301.

4675 (4) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4676 Act, the state board shall make rules to ensure the privacy and protection of individual
4677 evaluation data.

4678 Section 105. Section 53G-11-518 is amended to read:

4679 **53G-11-518. State board to make rules on performance compensation.**

4680 (1) ~~[The]~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4681 Act, the state board shall make rules requiring a school district's employee compensation
4682 system to be aligned with the district's annual evaluation system described in Section
4683 53G-11-507.

4684 (2) Rules adopted under Subsection (1) shall:

4685 (a) establish a timeline for developing and implementing an employee compensation
4686 system that is aligned with an annual evaluation system; and

4687 (b) provide that beginning no later than the 2016-17 school year:

4688 (i) any advancement on an adopted wage or salary schedule:

4689 (A) shall be based primarily on an evaluation; and

4690 (B) may not be based on end-of-level assessment scores; and

4691 (ii) an employee may not advance on an adopted wage or salary schedule if the
4692 employee's rating on the most recent evaluation is at the lowest level of an evaluation
4693 instrument.

4694 Section 106. Section 63A-1-105.5 is amended to read:

4695 **63A-1-105.5. Rulemaking authority of executive director.**

4696 The executive director shall, upon the recommendation of the appropriate division
4697 directors or the director of the Office of Administrative Rules, make rules consistent with state
4698 and federal law, and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
4699 Act, governing:

4700 (1) administrative services; and

4701 (2) the provision and use of administrative services furnished to state agencies and

4702 institutions.

4703 Section 107. Section **63G-3-102** is amended to read:

4704 **63G-3-102. Definitions.**

4705 As used in this chapter:

4706 (1) "Administrative record" means information an agency relies upon when making a
4707 rule under this chapter including:

4708 (a) the proposed rule, change in the proposed rule, and the rule analysis form;

4709 (b) the public comment received and recorded by the agency during the public
4710 comment period;

4711 (c) the agency's response to the public comment;

4712 (d) the agency's analysis of the public comment; and

4713 (e) the agency's report of its decision-making process.

4714 (2) "Agency" means each state board, authority, commission, institution, department,
4715 division, officer, or other state government entity other than the Legislature, its committees, the
4716 political subdivisions of the state, or the courts, which is authorized or required by law to make
4717 rules, adjudicate, grant or withhold licenses, grant or withhold relief from legal obligations, or
4718 perform other similar actions or duties delegated by law.

4719 (3) "Bulletin" means the Utah State Bulletin.

4720 (4) "Catchline" means a short summary of each section, part, rule, or title of the code
4721 that follows the section, part, rule, or title reference placed before the text of the rule and serves
4722 the same function as boldface in legislation as described in Section [68-3-13](#).

4723 (5) "Code" means the body of all effective rules as compiled and organized by the
4724 office and entitled "Utah Administrative Code."

4725 (6) "Department" means the Department of Administrative Services created in Section
4726 [63A-1-104](#).

4727 (7) "Director" means the director of the office.

4728 [~~(7)~~] (8) "Effective" means operative and enforceable.

4729 [~~(8)~~] (9) "Executive director" means the executive director of the department.

4730 ~~[(9)]~~ (10) (a) "File" means to submit a document to the office as prescribed by the
4731 ~~[department]~~ office.

4732 ~~[(b)]~~ (11) "Filing date" means the day and time the document is recorded as received by
4733 the office.

4734 ~~[(10)]~~ (12) "Interested person" means any person affected by or interested in a
4735 proposed rule, amendment to an existing rule, or a nonsubstantive change made under Section
4736 [63G-3-402](#).

4737 ~~[(11)]~~ (13) "Office" means the Office of Administrative Rules created in Section
4738 [63G-3-401](#).

4739 ~~[(12)]~~ (14) "Order" means an agency action that determines the legal rights, duties,
4740 privileges, immunities, or other interests of one or more specific persons, but not a class of
4741 persons.

4742 ~~[(13)]~~ (15) "Person" means any individual, partnership, corporation, association,
4743 governmental entity, or public or private organization of any character other than an agency.

4744 ~~[(14)]~~ (16) "Publication" or "publish" means making a rule available to the public by
4745 including the rule or a summary of the rule in the bulletin.

4746 ~~[(15)]~~ (17) "Publication date" means the inscribed date of the bulletin.

4747 ~~[(16)]~~ (18) "Register" may include an electronic database.

4748 ~~[(17)]~~ (19) (a) "Rule" means an agency's written statement that:

4749 (i) is explicitly or implicitly required by state or federal statute or other applicable law;

4750 (ii) implements or interprets a state or federal legal mandate; and

4751 (iii) applies to a class of persons or another agency.

4752 (b) "Rule" includes the amendment or repeal of an existing rule.

4753 (c) "Rule" does not mean:

4754 (i) orders;

4755 (ii) an agency's written statement that applies only to internal management and that
4756 does not restrict the legal rights of a public class of persons or another agency;

4757 (iii) the governor's executive orders or proclamations;

- 4758 (iv) opinions issued by the attorney general's office;
- 4759 (v) declaratory rulings issued by the agency according to Section 63G-4-503 except as
4760 required by Section 63G-3-201;
- 4761 (vi) rulings by an agency in adjudicative proceedings, except as required by Subsection
4762 63G-3-201(6); or
- 4763 (vii) an agency written statement that is in violation of any state or federal law.
- 4764 [(18)] (20) "Rule analysis" means the format prescribed by the [department] office to
4765 summarize and analyze rules.
- 4766 [(19)] (21) "Small business" means a business employing fewer than 50 persons.
- 4767 [(20)] (22) "Substantive change" means a change in a rule that affects the application
4768 or results of agency actions.

4769 Section 108. Section 63G-3-201 is amended to read:

4770 **63G-3-201. When rulemaking is required.**

- 4771 (1) Each agency shall:
 - 4772 (a) maintain a current version of its rules; and
 - 4773 (b) make it available to the public for inspection during its regular business hours.
- 4774 (2) In addition to other rulemaking required by law, each agency shall make rules when
4775 agency action:
 - 4776 (a) authorizes, requires, or prohibits an action;
 - 4777 (b) provides or prohibits a material benefit;
 - 4778 (c) applies to a class of persons or another agency; and
 - 4779 (d) is explicitly or implicitly authorized by statute.
- 4780 (3) Rulemaking is also required when an agency issues a written interpretation of a
4781 state or federal legal mandate.
- 4782 (4) Rulemaking is not required when:
 - 4783 (a) agency action applies only to internal agency management, inmates or residents of a
4784 state correctional, diagnostic, or detention facility, persons under state legal custody, patients
4785 admitted to a state hospital, members of the state retirement system, or, except as provided in

4786 Title 53B, Chapter 27, Part 3, Student Civil Liberties Protection Act, students enrolled in a
4787 state education institution;

4788 (b) a standardized agency manual applies only to internal fiscal or administrative
4789 details of governmental entities supervised under statute;

4790 (c) an agency issues policy or other statements that are advisory, informative, or
4791 descriptive, and do not conform to the requirements of Subsections (2) and (3); or

4792 (d) an agency makes nonsubstantive changes in a rule, except that the agency shall file
4793 all nonsubstantive changes in a rule with the office.

4794 (5) (a) A rule shall enumerate any penalty authorized by statute that may result from its
4795 violation, subject to Subsections (5)(b) and (c).

4796 (b) A violation of a rule may not be subject to the criminal penalty of a class C
4797 misdemeanor or greater offense, except as provided under Subsection (5)(c).

4798 (c) A violation of a rule may be subject to a class C misdemeanor or greater criminal
4799 penalty under Subsection (5)(a) when:

4800 (i) authorized by a specific state statute;

4801 (ii) a state law and programs under that law are established in order for the state to
4802 obtain or maintain primacy over a federal program; or

4803 (iii) state civil or criminal penalties established by state statute regarding the program
4804 are equivalent to or less than corresponding federal civil or criminal penalties.

4805 (6) Each agency shall enact rules incorporating the principles of law not already in its
4806 rules that are established by final adjudicative decisions within 120 days after the decision is
4807 announced in its cases.

4808 (7) (a) Each agency may enact a rule that incorporates by reference:

4809 (i) all or any part of another code, rule, or regulation that has been adopted by a federal
4810 agency, an agency or political subdivision of this state, an agency of another state, or by a
4811 nationally recognized organization or association;

4812 (ii) state agency implementation plans mandated by the federal government for
4813 participation in the federal program;

4814 (iii) lists, tables, illustrations, or similar materials that are subject to frequent change,
4815 fully described in the rule, and are available for public inspection; or

4816 (iv) lists, tables, illustrations, or similar materials that the [~~executive director or the~~
4817 ~~executive director's designee~~] director determines are too expensive to reproduce in the
4818 administrative code.

4819 (b) Rules incorporating materials by reference shall:

4820 (i) be enacted according to the procedures outlined in this chapter;

4821 (ii) state that the referenced material is incorporated by reference;

4822 (iii) state the date, issue, or version of the material being incorporated; and

4823 (iv) define specifically what material is incorporated by reference and identify any
4824 agency deviations from it.

4825 (c) The agency shall identify any substantive changes in the material incorporated by
4826 reference by following the rulemaking procedures of this chapter.

4827 (d) The agency shall maintain a complete and current copy of the referenced material
4828 available for public review at the agency and at the office.

4829 (8) (a) This chapter is not intended to inhibit the exercise of agency discretion within
4830 the limits prescribed by statute or agency rule.

4831 (b) An agency may enact a rule creating a justified exception to a rule.

4832 (9) An agency may obtain assistance from the attorney general to ensure that its rules
4833 meet legal and constitutional requirements.

4834 Section 109. Section **63G-3-301** is amended to read:

4835 **63G-3-301. Rulemaking procedure.**

4836 (1) An agency authorized to make rules is also authorized to amend or repeal those
4837 rules.

4838 (2) Except as provided in Sections **63G-3-303** and **63G-3-304**, when making,
4839 amending, or repealing a rule agencies shall comply with:

4840 (a) the requirements of this section;

4841 (b) consistent procedures required by other statutes;

4842 (c) applicable federal mandates; and

4843 (d) rules made by the [~~department~~] office to implement this chapter.

4844 (3) Subject to the requirements of this chapter, each agency shall develop and use
4845 flexible approaches in drafting rules that meet the needs of the agency and that involve persons
4846 affected by the agency's rules.

4847 (4) (a) Each agency shall file the agency's proposed rule and rule analysis with the
4848 office.

4849 (b) Rule amendments shall be marked with new language underlined and deleted
4850 language struck out.

4851 (c) (i) The office shall publish the information required under Subsection (8) on the
4852 rule analysis and the text of the proposed rule in the next issue of the bulletin.

4853 (ii) For rule amendments, only the section or subsection of the rule being amended
4854 need be printed.

4855 (iii) If the [~~executive director or the executive director's designee~~] director determines
4856 that the rule is too long to publish, the office shall publish the rule analysis and shall publish
4857 the rule by reference to a copy on file with the office.

4858 (5) Before filing a rule with the office, the agency shall conduct a thorough analysis,
4859 consistent with the criteria established by the Governor's Office of Management and Budget, of
4860 the fiscal impact a rule may have on businesses, which criteria may include:

4861 (a) the type of industries that will be impacted by the rule, and for each identified
4862 industry, an estimate of the total number of businesses within the industry, and an estimate of
4863 the number of those businesses that are small businesses;

4864 (b) the individual fiscal impact that would incur to a typical business for a one-year
4865 period;

4866 (c) the aggregated total fiscal impact that would incur to all businesses within the state
4867 for a one-year period;

4868 (d) the total cost that would incur to all impacted entities over a five-year period; and

4869 (e) the department head's comments on the analysis.

4870 (6) If the agency reasonably expects that a proposed rule will have a measurable
4871 negative fiscal impact on small businesses, the agency shall consider, as allowed by federal
4872 law, each of the following methods of reducing the impact of the rule on small businesses:

4873 (a) establishing less stringent compliance or reporting requirements for small
4874 businesses;

4875 (b) establishing less stringent schedules or deadlines for compliance or reporting
4876 requirements for small businesses;

4877 (c) consolidating or simplifying compliance or reporting requirements for small
4878 businesses;

4879 (d) establishing performance standards for small businesses to replace design or
4880 operational standards required in the proposed rule; and

4881 (e) exempting small businesses from all or any part of the requirements contained in
4882 the proposed rule.

4883 (7) If during the public comment period an agency receives comment that the proposed
4884 rule will cost small business more than one day's annual average gross receipts, and the agency
4885 had not previously performed the analysis in Subsection (6), the agency shall perform the
4886 analysis described in Subsection (6).

4887 (8) The rule analysis shall contain:

4888 (a) a summary of the rule or change;

4889 (b) the purpose of the rule or reason for the change;

4890 (c) the statutory authority or federal requirement for the rule;

4891 (d) the anticipated cost or savings to:

4892 (i) the state budget;

4893 (ii) local governments;

4894 (iii) small businesses; and

4895 (iv) persons other than small businesses, businesses, or local governmental entities;

4896 (e) the compliance cost for affected persons;

4897 (f) how interested persons may review the full text of the rule;

- 4898 (g) how interested persons may present their views on the rule;
- 4899 (h) the time and place of any scheduled public hearing;
- 4900 (i) the name and telephone number of an agency employee who may be contacted
4901 about the rule;
- 4902 (j) the name of the agency head or designee who authorized the rule;
- 4903 (k) the date on which the rule may become effective following the public comment
4904 period;
- 4905 (l) the agency's analysis on the fiscal impact of the rule as required under Subsection
4906 (5);
- 4907 (m) any additional comments the department head may choose to submit regarding the
4908 fiscal impact the rule may have on businesses; and
- 4909 (n) if applicable, a summary of the agency's efforts to comply with the requirements of
4910 Subsection (6).
- 4911 (9) (a) For a rule being repealed and reenacted, the rule analysis shall contain a
4912 summary that generally includes the following:
- 4913 (i) a summary of substantive provisions in the repealed rule which are eliminated from
4914 the enacted rule; and
- 4915 (ii) a summary of new substantive provisions appearing only in the enacted rule.
- 4916 (b) The summary required under this Subsection (9) is to aid in review and may not be
4917 used to contest any rule on the ground of noncompliance with the procedural requirements of
4918 this chapter.
- 4919 (10) A copy of the rule analysis shall be mailed to all persons who have made timely
4920 request of the agency for advance notice of the agency's rulemaking proceedings and to any
4921 other person who, by statutory or federal mandate or in the judgment of the agency, should also
4922 receive notice.
- 4923 (11) (a) Following the publication date, the agency shall allow at least 30 days for
4924 public comment on the rule.
- 4925 (b) The agency shall review and evaluate all public comments submitted in writing

4926 within the time period under Subsection (11)(a) or presented at public hearings conducted by
4927 the agency within the time period under Subsection (11)(a).

4928 (12) (a) Except as provided in Sections 63G-3-303 and 63G-3-304, a proposed rule
4929 becomes effective on any date specified by the agency that is:

4930 (i) no fewer than seven calendar days after the day on which the public comment
4931 period closes under Subsection (11); and

4932 (ii) no more than 120 days after the day on which the rule is published.

4933 (b) The agency shall provide notice of the rule's effective date to the office in the form
4934 required by the [department] office.

4935 (c) The notice of effective date may not provide for an effective date before the day on
4936 which the office receives the notice.

4937 (d) The office shall publish notice of the effective date of the rule in the next issue of
4938 the bulletin.

4939 (e) A proposed rule lapses if a notice of effective date or a change to a proposed rule is
4940 not filed with the office within 120 days after the day on which the rule is published.

4941 (13) (a) Except as provided in Subsection (13)(d), before an agency enacts a rule, the
4942 agency shall submit to the appropriations subcommittee and interim committee with
4943 jurisdiction over the agency the agency's proposed rule for review, if the proposed rule, over a
4944 three-year period, has a fiscal impact of more than:

4945 (i) \$250,000 to a single person; or

4946 (ii) \$7,500,000 to a group of persons.

4947 (b) An appropriations subcommittee or interim committee that reviews a rule
4948 submitted under Subsection (13)(a) shall:

4949 (i) before the review, directly inform the chairs of the Administrative Rules Review
4950 Committee of the coming review, including the date, time, and place of the review; and

4951 (ii) after the review, directly inform the chairs of the Administrative Rules Review
4952 Committee of the outcome of the review, including any recommendation.

4953 (c) An appropriations subcommittee or interim committee that reviews a rule submitted

4954 under Subsection (13)(a) may recommend to the Administrative Rules Review Committee that
4955 the Administrative Rules Review Committee not recommend reauthorization of the rule in the
4956 omnibus legislation described in Section 63G-3-502.

4957 (d) The requirement described in Subsection (13)(a) does not apply to:

4958 (i) the State Tax Commission; or

4959 (ii) the State Board of Education.

4960 (14) (a) As used in this Subsection (14), "initiate rulemaking proceedings" means the
4961 filing, for the purposes of publication in accordance with Subsection (4), of an agency's
4962 proposed rule that is required by state statute.

4963 (b) A state agency shall initiate rulemaking proceedings no later than 180 days after the
4964 day on which the statutory provision that specifically requires the rulemaking takes effect,
4965 except under Subsection (14)(c).

4966 (c) When a statute is enacted that requires agency rulemaking and the affected agency
4967 already has rules in place that meet the statutory requirement, the agency shall submit the rules
4968 to the Administrative Rules Review Committee for review within 60 days after the day on
4969 which the statute requiring the rulemaking takes effect.

4970 (d) If a state agency does not initiate rulemaking proceedings in accordance with the
4971 time requirements in Subsection (14)(b), the state agency shall appear before the legislative
4972 Administrative Rules Review Committee and provide the reasons for the delay.

4973 Section 110. Section 63G-3-401 is amended to read:

4974 **63G-3-401. Office of Administrative Rules created -- Director.**

4975 (1) There is created within the Department of Administrative Services the Office of
4976 Administrative Rules, to be administered by a [~~coordinator~~] director.

4977 (2) (a) The executive director shall appoint the director.

4978 [~~(2)~~] (b) The [~~coordinator~~] director shall hire, train, and supervise staff necessary for
4979 the office to carry out the provisions of this chapter.

4980 Section 111. Section 63G-3-402 is amended to read:

4981 **63G-3-402. Office of Administrative Rules -- Duties generally.**

- 4982 (1) The office shall:
- 4983 (a) record in a register the receipt of all agency rules, rule analysis forms, and notices
4984 of effective dates;
- 4985 (b) make the register, copies of all proposed rules, and rulemaking documents available
4986 for public inspection;
- 4987 (c) publish all proposed rules, rule analyses, notices of effective dates, and review
4988 notices in the bulletin at least monthly, except that the office may publish the complete text of
4989 any proposed rule that the [~~executive director or the executive director's designee~~] director
4990 determines is too long to print or too expensive to publish by reference to the text maintained
4991 by the office;
- 4992 (d) compile, format, number, and index all effective rules in an administrative code,
4993 and periodically publish that code and supplements or revisions to it;
- 4994 (e) publish a digest of all rules and notices contained in the most recent bulletin;
- 4995 (f) publish at least annually an index of all changes to the administrative code and the
4996 effective date of each change;
- 4997 (g) print, or contract to print, all rulemaking publications the [~~executive~~] director
4998 determines necessary to implement this chapter;
- 4999 (h) distribute without charge the bulletin and administrative code to state-designated
5000 repositories, the Administrative Rules Review Committee, the Office of Legislative Research
5001 and General Counsel, and the two houses of the Legislature;
- 5002 (i) distribute without charge the digest and index to state legislators, agencies, political
5003 subdivisions on request, and the Office of Legislative Research and General Counsel;
- 5004 (j) distribute, at prices covering publication costs, all paper rulemaking publications to
5005 all other requesting persons and agencies;
- 5006 (k) provide agencies assistance in rulemaking;
- 5007 (l) if the department operates the office as an internal service fund agency in
5008 accordance with Section [63A-1-109.5](#), submit to the Rate Committee established in Section
5009 [63A-1-114](#):

- 5010 (i) the proposed rate and fee schedule as required by Section 63A-1-114; and
5011 (ii) other information or analysis requested by the Rate Committee;
5012 (m) administer this chapter and require state agencies to comply with filing,
5013 publication, and hearing procedures; and
5014 (n) make technological improvements to the rulemaking process, including
5015 improvements to automation and digital accessibility.
- 5016 (2) The [~~department~~] office shall establish by rule in accordance with Title 63G,
5017 Chapter 3, Utah Administrative Rulemaking Act, all filing, publication, and hearing procedures
5018 necessary to make rules under this chapter.
- 5019 (3) The office may after notifying the agency make nonsubstantive changes to rules
5020 filed with the office or published in the bulletin or code by:
- 5021 (a) implementing a uniform system of formatting, punctuation, capitalization,
5022 organization, numbering, and wording;
- 5023 (b) correcting obvious errors and inconsistencies in punctuation, capitalization,
5024 numbering, referencing, and wording;
- 5025 (c) changing a catchline to more accurately reflect the substance of each section, part,
5026 rule, or title;
- 5027 (d) updating or correcting annotations associated with a section, part, rule, or title; and
5028 (e) merging or determining priority of any amendment, enactment, or repeal to the
5029 same rule or section made effective by an agency.
- 5030 (4) In addition, the office may make the following nonsubstantive changes with the
5031 concurrence of the agency:
- 5032 (a) eliminate duplication within rules;
- 5033 (b) eliminate obsolete and redundant words; and
5034 (c) correct defective or inconsistent section and paragraph structure in arrangement of
5035 the subject matter of rules.
- 5036 (5) For nonsubstantive changes made in accordance with Subsection (3) or (4) after
5037 publication of the rule in the bulletin, the office shall publish a list of nonsubstantive changes

5038 in the bulletin. For each nonsubstantive change, the list shall include:

5039 (a) the affected code citation;

5040 (b) a brief description of the change; and

5041 (c) the date the change was made.

5042 (6) All funds appropriated or collected for publishing the office's publications shall be
5043 nonlapsing.

5044 Section 112. Section **63G-3-403** is amended to read:

5045 **63G-3-403. Repeal and reenactment of Utah Administrative Code.**

5046 (1) When the [~~executive~~] director determines that the Utah Administrative Code
5047 requires extensive revision and reorganization, the office may repeal the code and reenact a
5048 new code according to the requirements of this section.

5049 (2) The office may:

5050 (a) reorganize, reformat, and renumber the code;

5051 (b) require each agency to review its rules and make any organizational or substantive
5052 changes according to the requirements of Section **63G-3-303**; and

5053 (c) require each agency to prepare a brief summary of all substantive changes made by
5054 the agency.

5055 (3) The office may make nonsubstantive changes in the code by:

5056 (a) adopting a uniform system of punctuation, capitalization, numbering, and wording;

5057 (b) eliminating duplication;

5058 (c) correcting defective or inconsistent section and paragraph structure in arrangement
5059 of the subject matter of rules;

5060 (d) eliminating all obsolete or redundant words;

5061 (e) correcting obvious errors and inconsistencies in punctuation, capitalization,
5062 numbering, referencing, and wording;

5063 (f) changing a catchline to more accurately reflect the substance of each section, part,
5064 rule, or title;

5065 (g) updating or correcting annotations associated with a section, part, rule, or title; and

5066 (h) merging or determining priority of any amendment, enactment, or repeal to the
5067 same rule or section made effective by an agency.

5068 (4) (a) To inform the public about the proposed code reenactment, the office shall
5069 publish in the bulletin:

5070 (i) notice of the code reenactment;

5071 (ii) the date, time, and place of a public hearing where members of the public may
5072 comment on the proposed reenactment of the code;

5073 (iii) locations where the proposed reenactment of the code may be reviewed; and

5074 (iv) agency summaries of substantive changes in the reenacted code.

5075 (b) To inform the public about substantive changes in agency rules contained in the
5076 proposed reenactment, each agency shall:

5077 (i) make the text of their reenacted rules available:

5078 (A) for public review during regular business hours; and

5079 (B) in an electronic version; and

5080 (ii) comply with the requirements of Subsection [63G-3-301\(10\)](#).

5081 (5) The office shall hold a public hearing on the proposed code reenactment no fewer
5082 than 30 days nor more than 45 days after the publication required by Subsection (4)(a).

5083 (6) The office shall distribute complete text of the proposed code reenactment without
5084 charge to:

5085 (a) state-designated repositories in Utah;

5086 (b) the Administrative Rules Review Committee; and

5087 (c) the Office of Legislative Research and General Counsel.

5088 (7) The former code is repealed and the reenacted code is effective at noon on a date
5089 designated by the office that is not fewer than 45 days nor more than 90 days after the
5090 publication date required by this section.

5091 (8) Repeal and reenactment of the code meets the requirements of Section [63G-3-305](#)
5092 for a review of all agency rules.

5093 Section 113. Section [63G-3-601](#) is amended to read:

5094 **63G-3-601. Interested parties -- Petition for agency action.**

5095 (1) As used in this section, "initiate rulemaking proceedings" means the filing, for the
5096 purposes of publication in accordance with Subsection 63G-3-301(4), of an agency's proposed
5097 rule to implement a petition for the making, amendment, or repeal of a rule as provided in this
5098 section.

5099 (2) An interested person may petition an agency to request the making, amendment, or
5100 repeal of a rule.

5101 (3) The [department] office shall prescribe by rule the form for petitions and the
5102 procedure for their submission, consideration, and disposition.

5103 (4) A statement shall accompany the proposed rule, or proposed amendment or repeal
5104 of a rule, demonstrating that the proposed action is within the jurisdiction of the agency and
5105 appropriate to the powers of the agency.

5106 (5) Within 60 days after submission of a petition, the agency shall either deny the
5107 petition in writing, stating its reasons for the denial, or initiate rulemaking proceedings.

5108 (6) (a) If the petition is submitted to a board that has been granted rulemaking authority
5109 by the Legislature, the board shall, within 45 days of the submission of the petition, place the
5110 petition on its agenda for review.

5111 (b) Within 80 days of the submission of the petition, the board shall either:

5112 (i) deny the petition in writing stating its reasons for denial; or

5113 (ii) initiate rulemaking proceedings.

5114 (7) If the agency or board has not provided the petitioner written notice that the agency
5115 has denied the petition or initiated rulemaking proceedings within the time limitations specified
5116 in Subsection (5) or (6) respectively, the petitioner may seek a writ of mandamus in state
5117 district court.