

Representative Candice B. Pierucci proposes the following substitute bill:

PUBLIC EDUCATION PROGRAM MODIFICATIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: John D. Johnson

LONG TITLE

General Description:

This bill amends and makes technical and conforming changes to certain provisions of the Utah Code regarding public education.

Highlighted Provisions:

This bill:

- ▶ amends certain provisions of the education code, including:
 - defining terms;
 - amending certain reporting requirements;
 - amending certain school fee requirements;
 - consolidating student data advisory groups;
 - providing for parent seminars to be held on Saturday and virtually;
 - providing rulemaking authority for educator licensing complaints; and
 - clarifying existing code; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.



26 **Utah Code Sections Affected:**

27 AMENDS:

- 28 **53D-2-203**, as enacted by Laws of Utah 2018, Chapter 448
- 29 **53E-1-203**, as last amended by Laws of Utah 2022, Chapters 36, 218
- 30 **53E-3-503**, as last amended by Laws of Utah 2023, Chapter 328
- 31 **53E-3-516**, as last amended by Laws of Utah 2023, Chapters 115, 161
- 32 **53E-4-204.1**, as enacted by Laws of Utah 2022, Chapter 472
- 33 **53E-4-314**, as last amended by Laws of Utah 2022, Chapter 316
- 34 **53E-6-102**, as last amended by Laws of Utah 2019, Chapter 186
- 35 **53E-6-506**, as last amended by Laws of Utah 2022, Chapter 250
- 36 **53E-6-604**, as last amended by Laws of Utah 2020, Chapter 327
- 37 **53E-9-302**, as last amended by Laws of Utah 2023, Chapter 381
- 38 **53F-2-208**, as last amended by Laws of Utah 2023, Chapters 129, 161 and 356
- 39 **53F-4-304**, as last amended by Laws of Utah 2020, Chapter 408
- 40 **53G-6-210**, as renumbered and amended by Laws of Utah 2021, Chapter 261
- 41 **53G-6-802**, as last amended by Laws of Utah 2019, Chapter 293
- 42 **53G-7-501**, as last amended by Laws of Utah 2020, Chapter 51
- 43 **53G-7-602**, as last amended by Laws of Utah 2020, Chapter 138
- 44 **53G-7-1206**, as last amended by Laws of Utah 2021, Chapter 144
- 45 **53G-8-405**, as last amended by Laws of Utah 2021, Chapter 262
- 46 **53G-9-703**, as last amended by Laws of Utah 2019, Chapters 293, 324 and 446
- 47 **53G-10-402**, as last amended by Laws of Utah 2020, Chapters 354, 408
- 48 **63I-1-253 (Superseded 07/01/24)**, as last amended by Laws of Utah 2023, Chapters 30,
- 49 52, 133, 161, 367, and 494
- 50 **63I-1-253 (Eff 07/01/24) (Cont Sup 01/01/25)**, as last amended by Laws of Utah 2023,
- 51 Chapters 30, 52, 133, 161, 310, 367, and 494
- 52 **63I-1-253 (Contingently Effective 01/01/25)**, as last amended by Laws of Utah 2023,
- 53 Chapters 30, 52, 133, 161, 187, 310, 367, and 494
- 54 **80-6-104**, as enacted by Laws of Utah 2023, Chapter 161

55 ENACTS:

- 56 **53G-7-224**, Utah Code Annotated 1953

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

Section 1. Section **53D-2-203** is amended to read:

53D-2-203. Land Trusts Protection and Advocacy Office director -- Appointment -- Removal -- Power and duties.

(1) (a) The advocacy committee shall:

(i) discuss candidates who may qualify for appointment as the advocacy director, as described in Subsection (1)(b);

(ii) determine the two most qualified candidates; and

(iii) submit the names of those two candidates to the state treasurer as potential appointees for the advocacy director.

(b) A potential appointee for advocacy director shall have significant expertise and qualifications relating to generating revenue to the school and institutional trust and the duties of the advocacy office and the advocacy director, which may include expertise in:

(i) business;

(ii) finance;

(iii) economics;

(iv) natural resources; or

(v) advocacy.

(c) From the individuals described in Subsection (1)(a), the state treasurer shall appoint one as the advocacy director.

(2) (a) An advocacy director shall serve a four-year term.

(b) If a vacancy occurs in the advocacy director's position, the advocacy committee and state treasurer shall, in accordance with Subsection (1), appoint a replacement director for a four-year term.

(3) The advocacy committee may remove the advocacy director during a meeting that is not closed as described in Section [52-4-204](#), if:

(a) removal of the advocacy director is scheduled on the agenda for the meeting; and

(b) a majority of a committee quorum votes to remove the advocacy director.

(4) In accordance with state and federal law, the advocacy director may attend a presentation, discussion, meeting, or other gathering related to the school and institutional trust.

88 (5) In order to fulfill the duties of the advocacy office described in Section 53D-2-201,
89 the advocacy director shall:

90 (a) maintain a direct relationship with each individual who is key to fulfilling the state's
91 trustee obligations and duties related to the trust;

92 (b) facilitate open communication among key individuals described in Subsection
93 (5)(a);

94 (c) actively seek necessary and accurate information;

95 (d) review and, if necessary, recommend the state auditor audit, activities involved in:

96 (i) generating trust revenue;

97 (ii) protecting trust assets; or

98 (iii) distributing funds for the exclusive use of trust beneficiaries;

99 (e) promote accurate record keeping of all records relevant to the trust and distribution
100 to trust beneficiaries;

101 (f) report at least quarterly to the advocacy committee and the state treasurer on the
102 current activities of the advocacy office;

103 (g) annually submit a proposed advocacy office budget to the state treasurer;

104 (h) regarding the trust's compliance with law, and among the School and Institutional
105 Trust Lands System as a whole, report annually to:

106 (i) the advocacy committee;

107 (ii) the state treasurer;

108 (iii) the State Board of Education; and

109 (iv) the Executive Appropriations Committee;

110 (i) annually send a financial report regarding the relevant individual trust, and, upon
111 request, report in person to:

112 (i) Utah State University, on behalf of the agricultural college trust;

113 (ii) the University of Utah;

114 (iii) the Utah State Hospital, on behalf of the mental hospital trust;

115 (iv) the Utah Schools for the Deaf and the Blind, on behalf of the [institution] schools
116 for the deaf and blind [~~trust and the deaf and dumb asylum trust~~] trusts;

117 (v) the youth in [~~custody~~] care program at the State Board of Education, on behalf of
118 the reform school trust;

- 119 (vi) the Division of Water Resources, created in Section 73-10-18, on behalf of the
120 reservoir trust;
- 121 (vii) the College of Mines and Earth Sciences created in Section 53B-17-401;
- 122 (viii) each state teachers' college, based on the college's annual number of teacher
123 graduates, on behalf of the normal school trust;
- 124 (ix) the Miners' Hospital described in Section 53B-17-201; and
- 125 (x) the State Capitol Preservation Board, created in Section 63C-9-201, on behalf of
126 the public buildings trust;
- 127 (j) as requested by the state treasurer, draft proposed rules and submit the proposed
128 rules to the advocacy committee for review;
- 129 (k) in accordance with state and federal law, respond to external requests for
130 information about the School and Institutional Trust Lands System;
- 131 (l) in accordance with state and federal law, speak on behalf of trust beneficiaries:
- 132 (i) at School and Institutional Trust Lands Administration meetings;
- 133 (ii) at School and Institutional Trust Fund Office meetings; and
- 134 (iii) with the media;
- 135 (m) review proposed legislation that affects the school and institutional trust and trust
136 beneficiaries and advocate for legislative change that best serves the interests of the trust
137 beneficiaries; and
- 138 (n) educate the public regarding the School and Institutional Trust Lands System.
- 139 (6) With regard to reviewing the activities described in Subsection (5)(d), the advocacy
140 director may have access to the financial reports and other data required for a review.
- 141 Section 2. Section 53E-1-203 is amended to read:
- 142 **53E-1-203. State Superintendent's Annual Report.**
- 143 (1) The state board shall prepare and submit to the governor, the Education Interim
144 Committee, and the Public Education Appropriations Subcommittee, by January 15 of each
145 year, an annual written report known as the State Superintendent's Annual Report that includes:
- 146 (a) the operations, activities, programs, and services of the state board;
- 147 (b) subject to Subsection (4)(b), all reports listed in Subsection (4)(a); and
- 148 (c) data on the general condition of the schools with recommendations considered
149 desirable for specific programs, including:

- 150 (i) a complete statement of fund balances;
- 151 (ii) a complete statement of revenues by fund and source;
- 152 (iii) a complete statement of adjusted expenditures by fund, the status of bonded
153 indebtedness, the cost of new school plants, and school levies;
- 154 (iv) a complete statement of state funds allocated to each school district and charter
155 school by source, including supplemental appropriations, and a complete statement of
156 expenditures by each school district and charter school, including supplemental appropriations,
157 by function and object as outlined in the United States Department of Education publication
158 "Financial Accounting for Local and State School Systems";
- 159 (v) a statement that includes data on:
- 160 (A) fall enrollments;
- 161 (B) average membership;
- 162 (C) high school graduates;
- 163 (D) licensed and classified employees, including data reported by school districts on
164 educator ratings described in Section 53G-11-511;
- 165 (E) pupil-teacher ratios;
- 166 (F) average class sizes;
- 167 (G) average salaries;
- 168 (H) applicable private school data; and
- 169 (I) data from statewide assessments described in Section 53E-4-301 for each school
170 and school district;
- 171 (vi) statistical information for each school district and charter school regarding:
- 172 (A) student attendance by grade level;
- 173 (B) the percentage of students chronically absent;
- 174 (C) the percentage of student excused absences; and
- 175 (D) the percentage of student unexcused absences;
- 176 [~~(vi)~~] (vii) statistical information regarding incidents of delinquent activity in the
177 schools [or], at school-related activities, on school buses, and at school bus stops; and
- 178 [~~(vii)~~] (viii) other statistical and financial information about the school system that the
179 state superintendent considers pertinent.
- 180 (2) (a) For the purposes of Subsection (1)(c)(v):

181 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
182 students enrolled in a school by the number of full-time equivalent teachers assigned to the
183 school, including regular classroom teachers, school-based specialists, and special education
184 teachers;

185 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio of
186 the schools within a school district;

187 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
188 pupil-teacher ratio of charter schools in the state; and

189 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the median
190 pupil-teacher ratio of public schools in the state.

191 (b) The report shall:

192 (i) include the pupil-teacher ratio for:

193 (A) each school district;

194 (B) the charter schools aggregated; and

195 (C) the state's public schools aggregated; and

196 (ii) identify a website where pupil-teacher ratios for each school in the state may be
197 accessed.

198 (3) For each operation, activity, program, or service provided by the state board, the
199 annual report shall include:

200 (a) a description of the operation, activity, program, or service;

201 (b) data and metrics:

202 (i) selected and used by the state board to measure progress, performance,
203 effectiveness, and scope of the operation, activity, program, or service, including summary
204 data; and

205 (ii) that are consistent and comparable for each state operation, activity, program, or
206 service;

207 (c) budget data, including the amount and source of funding, expenses, and allocation
208 of full-time employees for the operation, activity, program, or service;

209 (d) historical data from previous years for comparison with data reported under
210 Subsections (3)(b) and (c);

211 (e) goals, challenges, and achievements related to the operation, activity, program, or

212 service;

213 (f) relevant federal and state statutory references and requirements;

214 (g) contact information of officials knowledgeable and responsible for each operation,
215 activity, program, or service; and

216 (h) other information determined by the state board that:

217 (i) may be needed, useful, or of historical significance; or

218 (ii) promotes accountability and transparency for each operation, activity, program, or
219 service with the public and elected officials.

220 (4) (a) Except as provided in Subsection (4)(b), the annual report shall also include:

221 (i) the report described in Section 53E-3-507 by the state board on career and technical
222 education needs and program access;

223 (ii) the report described in Section 53E-3-515 by the state board on the Hospitality and
224 Tourism Management Career and Technical Education Pilot Program;

225 (iii) ~~beginning on July 1, 2023,~~ the report described in Section 53E-3-516 by the state
226 board on certain incidents that occur on school grounds;

227 (iv) the report described in Section 53E-4-202 by the state board on the development
228 and implementation of the core standards for Utah public schools;

229 (v) the report described in Section 53E-5-310 by the state board on school turnaround
230 and leadership development;

231 (vi) the report described in Section 53E-10-308 by the state board and Utah Board of
232 Higher Education on student participation in the concurrent enrollment program;

233 (vii) the report described in Section 53F-5-207 by the state board on the
234 Intergenerational Poverty Interventions Grant Program;

235 (viii) the report described in Section 53F-5-506 by the state board on information
236 related to personalized, competency-based learning; and

237 (ix) the report described in Section 53G-9-802 by the state board on dropout prevention
238 and recovery services.

239 (b) The Education Interim Committee or the Public Education Appropriations
240 Subcommittee may request a report described in Subsection (4)(a) to be reported separately
241 from the State Superintendent's Annual Report.

242 (5) The annual report shall be designed to provide clear, accurate, and accessible

243 information to the public, the governor, and the Legislature.

244 (6) The state board shall:

245 (a) submit the annual report in accordance with Section 68-3-14; and

246 (b) make the annual report, and previous annual reports, accessible to the public by
247 placing a link to the reports on the state board's website.

248 (7) (a) Upon request of the Education Interim Committee or Public Education
249 Appropriations Subcommittee, the state board shall present the State Superintendent's Annual
250 Report to either committee.

251 (b) After submitting the State Superintendent's Annual Report in accordance with this
252 section, the state board may supplement the report at a later time with updated data,
253 information, or other materials as necessary or upon request by the governor, the Education
254 Interim Committee, or the Public Education Appropriations Subcommittee.

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

256 **53E-3-503. Education of individuals in custody of or receiving services from**
257 **certain state agencies -- Establishment of coordinating council -- Advisory councils.**

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

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

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

263 (ii) (A) receiving services from the Department of Health and Human Services;

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

266 or

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

268 (b) The state board shall:

269 (i) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
270 Rulemaking Act, to provide for the distribution of funds for the education of individuals
271 described in Subsection (1)(a); and

272 (ii) expend funds appropriated for the education of youth in [~~custody~~] care in the
273 following order of priority:

274 (A) for students in a facility described in Subsection (1)(a)(ii) who are not included in
275 an LEA's average daily membership; and

276 (B) for students in a facility described in Subsection (1)(a)(ii) who are included in an
277 LEA's average daily membership and who may benefit from additional educational support
278 services.

279 (c) Subject to future budget constraints, the amount appropriated for the education of
280 youth in [~~custody~~] care under this section shall increase annually based on the following:

281 (i) the percentage of enrollment growth of students in kindergarten through grade 12;
282 and

283 (ii) changes to the value of the weighted pupil unit as defined in Section 53F-4-301.

284 (2) Subsection (1)(a)(ii)(B) does not apply to an individual taken into custody for the
285 primary purpose of obtaining access to education programs provided for youth in [~~custody~~]
286 care.

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

290 (4) The Legislature shall establish and maintain separate education budget categories
291 for youth in [~~custody~~] care or who are under the jurisdiction of the following state agencies:

292 (a) detention centers and the Divisions of Juvenile Justice and Youth Services and
293 Child and Family Services;

294 (b) the Office of Substance Use and Mental Health; and

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

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

300 (b) The Department of Health and Human Services and the state board may appoint
301 similar councils for those in the custody of the Office of Substance Use and Mental Health or
302 the Division of Services for People with Disabilities.

303 (6) A school district contracting to provide services under Subsection (3) shall
304 establish an advisory council to plan, coordinate, and review education and treatment programs

305 for individuals held in custody in the district.

306 Section 4. Section **53E-3-516** is amended to read:

307 **53E-3-516. School disciplinary and law enforcement action report -- Rulemaking**
308 **authority.**

309 (1) As used in this section:

310 (a) "Dangerous weapon" means the same as that term is defined in Section [53G-8-510](#).

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

313 (c) "Law enforcement agency" means the same as that term is defined in Section
314 [77-7a-103](#).

315 (d) "Minor" means the same as that term is defined in Section [80-1-102](#).

316 (e) "Other law enforcement activity" means a significant law enforcement interaction
317 with a minor that does not result in an arrest, including:

318 (i) a search and seizure by an SRO;

319 (ii) issuance of a criminal citation;

320 (iii) issuance of a ticket or summons;

321 (iv) filing a delinquency petition; or

322 (v) referral to a probation officer.

323 (f) "School is in session" means the hours of a day during which a public school
324 conducts instruction for which student attendance is counted toward calculating average daily
325 membership.

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

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

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

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

335 (ii) "School-sponsored activity" includes preparation for and involvement in a public

336 performance, contest, athletic competition, demonstration, display, or club activity.

337 (h) " School resource officer" or "SRO" means the same as that term is defined in
338 Section [53G-8-701](#).

339 (2) [~~Beginning on July 1, 2023, the~~] The state board shall develop an annual report
340 regarding the following incidents that occur on school grounds while school is in session or
341 during a school-sponsored activity:

- 342 (a) arrests of a minor;
- 343 (b) other law enforcement activities;
- 344 (c) disciplinary actions; and
- 345 (d) minors found in possession of a dangerous weapon.

346 (3) Pursuant to state and federal law, law enforcement agencies shall collaborate with
347 the state board and LEAs to provide and validate data and information necessary to complete
348 the report described in Subsection (2), as requested by an LEA or the state board.

349 (4) The report described in Subsection (2) shall include the following information
350 listed separately for each LEA:

- 351 (a) the number of arrests of a minor, including the reason why the minor was arrested;
- 352 (b) the number of other law enforcement activities, including the following information
353 for each incident:

- 354 (i) the reason for the other law enforcement activity; and
- 355 (ii) the type of other law enforcement activity used;
- 356 (c) the number of disciplinary actions imposed, including:
- 357 (i) the reason for the disciplinary action; [~~and~~]

- 358 (ii) the type of disciplinary action;
- 359 (iii) the number of suspensions imposed;
- 360 (iv) the average length of suspensions;
- 361 (v) the number of days of instruction lost due to suspensions; and

362 (vi) the number of expulsions;

- 363 (d) the number of SROs employed;
- 364 (e) if applicable, the demographics of an individual who is subject to, as the following
365 are defined in Section [53G-9-601](#), bullying, hazing, cyber-bullying, or retaliation; and
- 366 (f) the number of minors found in possession of a dangerous weapon on school

367 grounds while school is in session or during a school-sponsored activity.

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

370 (a) age;

371 (b) grade level;

372 (c) race;

373 (d) sex; [~~and~~]

374 (e) disability status[-]; and

375 (f) youth in care designation.

376 (6) Information included in the annual report described in Subsection (2) shall comply
377 with:

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

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

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

381 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
382 state board shall make rules to compile the report described in Subsection (2).

383 (8) (a) The state board shall provide the report described in Subsection (2):

384 [~~(a)~~] (i) in accordance with Section [53E-1-203](#) for incidents that occurred during the
385 previous school year; and

386 [~~(b)~~] (ii) to the State Commission on Criminal and Juvenile Justice before [~~July 1~~]
387 January 15 of each year for incidents that occurred during the previous school year.

388 (b) After submitting the report in accordance with this section, the state board shall
389 supplement the report to the State Commission on Criminal and Juvenile Justice with updated
390 data and information within 30 days after the day on which the state board receives the updated
391 data and information.

392 Section 5. Section [53E-4-204.1](#) is amended to read:

393 **53E-4-204.1. Ethnic studies core standards and curriculum requirements.**

394 (1) As used in this section:

395 (a) "Core standards for Utah public schools" or "core standards" means the standards
396 the state board establishes as described in Section [53E-4-202](#).

397 (b) "Ethnic studies" means the interdisciplinary social and historical study of how

398 different populations have experienced and participated in building the United States of
399 America, including the study of the culture, history, and contributions of Utahns of diverse
400 ethnicities.

401 (c) "Ethnic Studies Commission" means the Ethnic Studies Commission created in
402 Section [63C-28-201](#).

403 (d) "Utahns of diverse ethnicities" means individuals who are residents of Utah and:

404 (i) Native American;

405 (ii) Alaska Native;

406 (iii) Native Hawaiian;

407 (iv) Pacific Islander;

408 (v) Hispanic or Latino;

409 (vi) Black or African American;

410 (vii) Asian or Asian American; or

411 (viii) from diverse backgrounds and experiences.

412 (2) (a) The state board shall incorporate ethnic studies into the core standards for Utah
413 public schools.

414 (b) Before the state board takes formal action to incorporate ethnic studies into the core
415 standards, the state board shall:

416 (i) consult with the Ethnic Studies Commission; and

417 (ii) submit the proposed core standards incorporating ethnic studies to the Ethnic
418 Studies Commission for review and recommendations.

419 (3) In incorporating ethnic studies into the core standards, the state board shall
420 consider, at a minimum:

421 (a) existing core standards that increase cultural awareness of, and focus on the
422 character traits described in Section [53G-10-204](#) for, all Utah communities;

423 (b) opportunities to recognize and incorporate into the ethnic studies core standards the
424 histories, contributions, and perspectives of Utahns of diverse ethnicities; and

425 (c) recommendations of the Ethnic Studies Commission.

426 (4) Subject to legislative appropriations, the state board shall provide funding for
427 professional learning in ethnic studies for teachers.

428 (5) (a) By [~~August 1, 2024~~] December 31, 2025, an LEA shall select curriculum and

429 instructional materials for teaching ethnic studies to students in kindergarten through grade 12
430 that:

431 (i) align with the core standards incorporating ethnic studies described in this section;

432 and

433 (ii) are integrated with regular school work.

434 (b) An LEA shall implement an ethnic studies curriculum that, at a minimum:

435 (i) focuses on shared identity and honoring unique cultural differences, including:

436 (A) that each individual student has unique characteristics;

437 (B) the common elements that unite Utahns; and

438 (C) respect for distinct socio-cultural identities; and

439 (ii) includes themes including cultural histories within the context of United States
440 history and global history.

441 (c) An LEA shall:

442 (i) modify or revise as needed the ethnic studies instructional materials and curriculum
443 the LEA selects as described in Subsection (5)(a), to ensure alignment with core standards
444 incorporating ethnic studies; and

445 (ii) submit a report to the state board that provides evidence that the LEA is complying
446 with the requirements of Subsections (5)(a) and (b).

447 (d) In fulfilling the requirements of this section, an LEA may offer a course on ethnic
448 studies.

449 (6) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative
450 Rulemaking Act, make rules:

451 (a) to develop guidelines and methods for LEAs to more fully incorporate ethnic
452 studies into other core standards for Utah public schools courses; and

453 (b) for the report described in Subsection (5)(c).

454 (7) The guidelines and methods described in Subsection (6)(a) may not change:

455 (a) the number of instructional hours required for elementary and secondary students;

456 or

457 (b) the number of instructional hours dedicated to the existing curriculum.

458 Section 6. Section **53E-4-314** is amended to read:

459 **53E-4-314. School readiness assessment.**

460 (1) As used in this section:

461 (a) "School readiness assessment" means a preschool entry and exit profile that
462 measures literacy, numeracy, and lifelong learning practices developed in a student.

463 (b) "School readiness program" means a preschool program:

464 (i) in which a student participates in the year before the student is expected to enroll in
465 kindergarten; and

466 (ii) that receives funding under Title 35A, Chapter 15, Preschool Programs.

467 (2) The state board shall develop a school readiness assessment [~~that aligns with the~~
468 ~~kindergarten entry and exit assessment described in Section 53G-7-203~~].

469 (3) A school readiness program shall:

470 (a) except as provided in Subsection (4), administer to each student who participates in
471 the school readiness program the school readiness assessment at the beginning and end of the
472 student's participation in the school readiness program; and

473 (b) report the results of the assessments described in Subsection (3)(a) or (4) to the
474 School Readiness Board created in Section 35A-15-201.

475 (4) In place of the assessments described in Subsection (3)(a), a school readiness
476 program that is offered through home-based technology may administer to each student who
477 participates in the school readiness program:

478 (a) a validated computer adaptive pre-assessment at the beginning of the student's
479 participation in the school readiness program; and

480 (b) a validated computer adaptive post-assessment at the end of the student's
481 participation in the school readiness program.

482 (5) (a) The following may submit school readiness assessment data to the School
483 Readiness Board created in Section 35A-15-201:

484 (i) a private child care provider; or

485 (ii) an LEA on behalf of a school that is not participating in the High Quality School
486 Readiness Grant Program described in Section 35A-15-301.

487 (b) If a private child care provider or LEA submits school readiness assessment data to
488 the School Readiness Board under Subsection (5)(a), the state board shall include the school
489 readiness assessment data in the report described in Subsection 35A-15-303(5).

490 Section 7. Section 53E-6-102 is amended to read:

491 **53E-6-102. Definitions.**

492 As used in this chapter:

493 (1) "Certificate" means a license issued by a governmental jurisdiction outside the
494 state.

495 (2) "Educator" means:

496 (a) a person who holds a license;

497 (b) a teacher, counselor, administrator, librarian, or other person required, under rules
498 of the state board, to hold a license; or499 (c) a person who is the subject of an allegation which has been received by an LEA, the
500 state board, or UPPAC and was, at the time noted in the allegation, a license holder or a person
501 employed in a position requiring licensure.502 (3) "License" means an authorization issued by the state board that permits the holder
503 to serve in a professional capacity in the public schools.504 (4) "National Board certification" means a current certificate issued by the National
505 Board for Professional Teaching Standards.506 (5) "School" means a public or private entity that provides educational services to a
507 minor child.

508 (6) "UPPAC" means the Utah Professional Practices Advisory Commission.

509 Section 8. Section **53E-6-506** is amended to read:510 **53E-6-506. UPPAC duties and procedures.**511 (1) The state board may direct UPPAC to review a complaint about an educator and
512 recommend that the state board:

513 (a) dismiss the complaint; or

514 (b) investigate the complaint in accordance with this section.

515 (2) (a) The state board may direct UPPAC to:

516 (i) in accordance with this section, investigate a complaint's allegation or decision; or

517 (ii) hold a hearing.

518 (b) UPPAC may initiate a hearing as part of an investigation.

519 (c) Upon completion of an investigation or hearing, UPPAC shall:

520 (i) provide findings to the state board; and

521 (ii) make a recommendation for state board action.

522 (d) UPPAC may not make a recommendation described in Subsection (2)(c)(ii) to
523 adversely affect an educator's license unless UPPAC gives the educator an opportunity for a
524 hearing.

525 (3) (a) The state board may:

526 (i) select an independent investigator to conduct a UPPAC investigation with UPPAC
527 oversight; or

528 (ii) authorize UPPAC to select and oversee an independent investigator to conduct an
529 investigation.

530 (b) In conducting an investigation, UPPAC or an independent investigator shall
531 conduct the investigation independent of and separate from a related criminal investigation.

532 (c) In conducting an investigation, UPPAC or an independent investigator may:

533 (i) in accordance with Section 53E-6-606 administer oaths and issue subpoenas; or

534 (ii) receive evidence related to an alleged offense, including sealed or expunged
535 records released to the state board under Section 77-40a-403.

536 (d) If UPPAC finds that reasonable cause exists during an investigation, UPPAC may
537 recommend that the state board initiate a background check on an educator as described in
538 Section 53G-11-403.

539 (e) UPPAC has a rebuttable presumption that an educator committed a sexual offense
540 against a minor child if the educator voluntarily surrendered a license or certificate or allowed a
541 license or certificate to lapse in the face of a charge of having committed a sexual offense
542 against a minor child.

543 (4) The state board may direct UPPAC to:

544 (a) recommend to the state board procedures for:

545 (i) receiving and processing complaints;

546 (ii) investigating a complaint's allegation or decision;

547 (iii) conducting hearings; or

548 (iv) reporting findings and making recommendations to the state board for state board
549 action;

550 (b) recommend to the state board or a professional organization of educators:

551 (i) standards of professional performance, competence, and ethical conduct for
552 educators; or

- 553 (ii) suggestions for improvement of the education profession; or
- 554 (c) fulfill other duties the state board finds appropriate.
- 555 (5) UPPAC may not participate as a party in a dispute relating to negotiations between:
- 556 (a) a school district and the school district's educators; or
- 557 (b) a charter school and the charter school's educators.
- 558 (6) The state board shall make rules [~~establishing~~], in accordance with Title 63G,
- 559 Chapter 3, Utah Administrative Rulemaking Act, to establish UPPAC duties and procedures.

560 Section 9. Section **53E-6-604** is amended to read:

561 **53E-6-604. State board disciplinary action against an educator.**

562 (1) (a) The state board shall direct UPPAC to investigate an allegation, administrative
563 decision, or judicial decision that evidences an educator is unfit for duty because the educator
564 exhibited behavior that:

- 565 (i) is immoral, unprofessional, or incompetent; or
- 566 (ii) violates standards of ethical conduct, performance, or professional competence.

567 (b) If the state board determines an allegation or decision described in Subsection
568 (1)(a) does not evidence an educator's unfitness for duty, the state board may dismiss the
569 allegation or decision without an investigation or hearing.

570 (2) The state board shall direct UPPAC to investigate and allow an educator to respond
571 in a UPPAC hearing if the state board receives an allegation that the educator:

- 572 (a) was charged with a felony of a sexual nature;
- 573 (b) was convicted of a felony of a sexual nature;
- 574 (c) pled guilty to a felony of a sexual nature;
- 575 (d) entered a plea of no contest to a felony of a sexual nature;
- 576 (e) entered a plea in abeyance to a felony of a sexual nature;
- 577 (f) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual
578 Offenses, against a minor child;

579 (g) engaged in sexually explicit conduct, as defined in Section [76-5b-103](#), with a
580 student who is a minor; or

581 (h) engaged in sexually explicit conduct, as defined in Section [76-5b-103](#), with a
582 student who:

- 583 (i) is not enrolled in an adult education program in an LEA;

584 (ii) is not a minor; and
585 (iii) (A) is enrolled in an LEA where the educator is employed; or
586 (B) is a participant in an extracurricular program in which the educator is involved.
587 (3) Upon notice that an educator allegedly violated Section 53E-6-701, the state board
588 shall direct UPPAC to:
589 (a) investigate the alleged violation; and
590 (b) hold a hearing to allow the educator to respond to the allegation.
591 (4) Upon completion of an investigation or hearing described in this section, UPPAC
592 shall:
593 (a) provide findings to the state board; and
594 (b) make a recommendation for state board action.
595 (5) (a) Except as provided in Subsection (5)(b), upon review of UPPAC's findings and
596 recommendation, the state board may:
597 (i) revoke the educator's license;
598 (ii) suspend the educator's license;
599 (iii) restrict or prohibit the educator from renewing the educator's license;
600 (iv) warn or reprimand the educator;
601 (v) enter into a written agreement with the educator that requires the educator to
602 comply with certain conditions;
603 (vi) direct UPPAC to further investigate or gather information; or
604 (vii) take other action the state board finds to be appropriate for and consistent with the
605 educator's behavior.
606 (b) Upon review of UPPAC's findings and recommendation, the state board shall
607 revoke the license of an educator who:
608 (i) was convicted of a felony of a sexual nature;
609 (ii) pled guilty to a felony of a sexual nature;
610 (iii) entered a plea of no contest to a felony of a sexual nature;
611 (iv) entered a plea in abeyance to a felony of a sexual nature;
612 (v) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual
613 Offenses, against a minor child;
614 (vi) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a

615 student who is a minor;

616 (vii) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a
617 student who:

618 (A) is not enrolled in an adult education program in an LEA;

619 (B) is not a minor; and

620 (C) is enrolled in an LEA where the educator is employed or is a participant in an
621 extracurricular program in which the educator is involved; or

622 (viii) admits to the state board or UPPAC that the applicant committed conduct that
623 amounts to:

624 (A) a felony of a sexual nature; or

625 (B) a sexual offense or sexually explicit conduct described in Subsection (5)(b)(v), (vi),
626 or (vii).

627 (c) The state board may not reinstate a revoked license.

628 (d) Before the state board takes adverse action against an educator under this section,
629 the state board shall ensure that the educator had an opportunity for a UPPAC hearing.

630 (6) Notwithstanding any other provision in this section, the state board shall make
631 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that
632 require an LEA to notify the state board, UPPAC, and the educator of a complaint from a
633 parent against an educator alleging a violation of educator licensing standards.

634 Section 10. Section 53E-9-302 is amended to read:

635 **53E-9-302. State student data protection governance.**

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

638 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
639 state board shall make rules to administer this part, including student data protection standards
640 for public education employees, student aides, and volunteers.

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

642 (a) a statewide data governance plan; and

643 (b) a state-level metadata dictionary.

644 (3) (a) ~~[As described in this Subsection (3), the state]~~ The state board shall establish

645 ~~[advisory groups]~~ a student data protection advisory group to oversee student data protection in

646 the state ~~[and make recommendations to the state board regarding student data protection~~
647 ~~including:]~~.

648 ~~[(a) a student data policy advisory group:]~~
649 ~~[(i) that is composed of members from:]~~
650 ~~[(A) the Legislature;]~~
651 ~~[(B) the state board and state board employees; and]~~
652 ~~[(C) one or more LEAs;]~~
653 ~~[(ii) to discuss and make recommendations to the state board regarding:]~~
654 ~~[(A) enacted or proposed legislation; and]~~
655 ~~[(B) state and local student data protection policies across the state;]~~
656 ~~[(iii) that reviews and monitors the state student data governance plan; and]~~
657 ~~[(iv) that performs other tasks related to student data protection as designated by the~~
658 ~~state board.]~~

659 ~~[(b) a student data governance advisory group:]~~
660 ~~[(i) that is composed of the state student data officer and other state board employees;~~
661 ~~and]~~
662 ~~[(ii) that performs duties related to state and local student data protection, including:]~~
663 ~~[(A) overseeing data collection and usage by state board program offices; and]~~
664 ~~[(B) preparing and maintaining the state board's student data governance plan under the~~
665 ~~direction of the student data policy advisory group.]~~

666 ~~[(c) a student data users advisory group:]~~
667 ~~[(i) that is composed of members who use student data at the local level; and]~~
668 ~~[(ii) that provides feedback and suggestions on the practicality of actions proposed by~~
669 ~~the student data policy advisory group and the student data governance advisory group.]~~

670 (b) The student data protection advisory group shall be composed of:
671 (i) members from the Legislature;
672 (ii) members from the state board;
673 (iii) the state student data officer;
674 (iv) one or more LEAs;
675 (v) state board employees; and
676 (vi) others who use student data at the local level.

- 677 (c) The student data protection advisory group shall:
678 (i) make recommendations to the state board regarding:
679 (A) enacted or proposed legislation; and
680 (B) state and local student data protection policies across the state;
681 (ii) review and monitor the state student data governance plan; and
682 (iii) perform other tasks related to student data protection as directed by the state board.
683 (4) (a) The state board shall designate a state student data officer.
684 (b) The state student data officer shall:
685 (i) act as the primary point of contact for state student data protection administration in
686 assisting the state board to administer this part;
687 (ii) ensure compliance with student privacy laws throughout the public education
688 system, including:
689 (A) providing training and support to applicable state board and LEA employees; and
690 (B) producing resource materials, model plans, and model forms for local student data
691 protection governance, including a model student data collection notice;
692 (iii) investigate complaints of alleged violations of this part;
693 (iv) report violations of this part to:
694 (A) the state board;
695 (B) an applicable education entity; and
696 (C) the student data [~~policy~~] protection advisory group; and
697 (v) act as a state level student data manager.
698 (5) The state board shall designate:
699 (a) at least one support manager to assist the state student data officer; and
700 (b) a student data protection auditor to assist the state student data officer.
701 (6) The state board shall establish a research review process for a request for data for
702 the purpose of research or evaluation.

703 Section 11. Section **53F-2-208** is amended to read:

704 **53F-2-208. Cost of adjustments for growth and inflation.**

705 (1) In accordance with Subsection (2), the Legislature shall annually determine:

- 706 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a
707 rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations

708 to the following programs:

709 (i) education for youth in [~~custody~~] care, described in Section 53E-3-503;

710 (ii) concurrent enrollment courses for accelerated foreign language students described
711 in Section 53E-10-307;

712 (iii) the Basic Program, described in Part 3, Basic Program (Weighted Pupil Units);

713 (iv) the Adult Education Program, described in Section 53F-2-401;

714 (v) state support of pupil transportation, described in Section 53F-2-402;

715 (vi) the Enhancement for Accelerated Students Program, described in Section

716 53F-2-408;

717 (vii) the Concurrent Enrollment Program, described in Section 53F-2-409;

718 (viii) the juvenile gang and other violent crime prevention and intervention program,
719 described in Section 53F-2-410; and

720 (ix) dual language immersion, described in Section 53F-2-502; and

721 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year,
722 the current fiscal year's ongoing state tax fund appropriations to the following programs:

723 (i) a program described in Subsection (1)(a);

724 (ii) educator salary adjustments, described in Section 53F-2-405;

725 (iii) the Teacher Salary Supplement Program, described in Section 53F-2-504;

726 (iv) the Voted and Board Local Levy Guarantee programs, described in Section
727 53F-2-601; and

728 (v) charter school local replacement funding, described in Section 53F-2-702.

729 (2) (a) In or before December each year, the Executive Appropriations Committee shall
730 determine:

731 (i) the cost of the inflation adjustment described in Subsection (1)(a); and

732 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).

733 (b) The Executive Appropriations Committee shall make the determinations described
734 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative
735 Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and
736 Budget.

737 (3) If the Executive Appropriations Committee includes in the public education base
738 budget or the final public education budget an increase in the value of the WPU in excess of

739 the amounts described in Subsection (1)(a), the Executive Appropriations Committee shall also
740 include an appropriation to the Local Levy Growth Account established in Section 53F-9-305
741 in an amount equivalent to at least 0.5% of the total amount appropriated for WPU's in the
742 relevant budget.

743 Section 12. Section 53F-4-304 is amended to read:

744 **53F-4-304. Scholarship payments.**

745 (1) (a) The state board shall award scholarships subject to the availability of money
746 appropriated by the Legislature for that purpose.

747 (b) The Legislature shall annually appropriate money to the state board from the
748 General Fund to make scholarship payments.

749 (c) The Legislature shall annually increase the amount of money appropriated under
750 Subsection (1)(b) by an amount equal to the product of:

751 (i) the average scholarship amount awarded as of December 1 in the previous year; and

752 (ii) the product of:

753 (A) the number of students in preschool through grade 12 in public schools statewide
754 who have an IEP on December 1 of the previous year; and

755 (B) 0.0007.

756 (d) If the number of scholarship students as of December 1 in any school year equals or
757 exceeds 7% of the number of students in preschool through grade 12 in public schools
758 statewide who have an IEP as of December 1 in the same school year, the Public Education
759 Appropriations Subcommittee shall study the requirement to increase appropriations for
760 scholarship payments as provided in this section.

761 (e) (i) If money is not available to pay for all scholarships requested, the state board
762 shall allocate scholarships on a random basis except that the state board shall give preference to
763 students who received scholarships in the previous school year.

764 (ii) If money is insufficient in a school year to pay for all the continuing scholarships,
765 the state board may not award new scholarships during that school year and the state board
766 shall prorate money available for scholarships among the eligible students who received
767 scholarships in the previous year.

768 (2) Except as provided in Subsection (4), the state board shall award full-year
769 scholarships in the following amounts:

770 (a) for a student who received an average of 180 minutes per day or more of special
771 education services in a public school before transferring to a private school, an amount not to
772 exceed the lesser of:

773 (i) the value of the weighted pupil unit multiplied by 2.5; or

774 (ii) the private school tuition and fees; and

775 (b) for a student who received an average of less than 180 minutes per day of special
776 education services in a public school before transferring to a private school, an amount not to
777 exceed the lesser of:

778 (i) the value of the weighted pupil unit multiplied by 1.5; or

779 (ii) the private school tuition and fees.

780 (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day
781 preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.

782 (4) If a student leaves a private school before the end of a fiscal quarter:

783 (a) the private school is only entitled to the amount of scholarship equivalent to the
784 number of days that the student attended the private school; and

785 (b) the private school shall remit a prorated amount of the scholarship to the state board
786 in accordance with the procedures described in rules adopted by the state board in accordance
787 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

788 (5) For the amount of funds remitted under Subsection (4)(b), the state board shall:

789 (a) make the amount available to the student to enroll immediately in another
790 qualifying private school; or

791 (b) refund the amount back to the Carson Smith Scholarship Program account to be
792 available to support the costs of another scholarship.

793 (6) (a) The state board shall make an additional allocation on a random basis before
794 June 30 each year only:

795 (i) if there are sufficient remaining funds in the program; and

796 (ii) for scholarships for students enrolled in a full-day preschool program.

797 (b) If the state board awards a scholarship under Subsection (6)(a), the scholarship
798 amount or supplement may not exceed the lesser of:

799 (i) the value of the weighted pupil unit multiplied by 1.0; or

800 (ii) the private school tuition and fees.

801 (c) The state board shall, when preparing annual growth projection numbers for the
802 Legislature, include the annual number of applications for additional allocations described in
803 Subsection (6)(a).

804 (7) (a) The scholarship amount for a student who receives a waiver under Subsection
805 53F-4-302(3) shall be based upon the assessment team's determination of the appropriate level
806 of special education services to be provided to the student.

807 (b) (i) If the student requires an average of 180 minutes per day or more of special
808 education services, a full-year scholarship shall be equal to the amount specified in Subsection
809 (2)(a).

810 (ii) If the student requires less than an average of 180 minutes per day of special
811 education services, a full-year scholarship shall be equal to the amount specified in Subsection
812 (2)(b).

813 (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program,
814 a full-year scholarship is equal to the amount specified in Subsection (3).

815 (8) (a) Except as provided in Subsection (8)(b), upon review and receipt of
816 documentation that verifies a student's admission to, or continuing enrollment and attendance
817 at, a private school, the state board shall make scholarship payments quarterly in four equal
818 amounts in each school year in which a scholarship is in force.

819 (b) In accordance with state board rule, made in accordance with Title 63G, Chapter 3,
820 Utah Administrative Rulemaking Act, the state board may make a scholarship payment before
821 the first quarterly payment of the school year, if a private school requires partial payment of
822 tuition before the start of the school year to reserve space for a student admitted to the school.

823 (9) A parent of a scholarship student shall notify the state board if the student does not
824 have continuing enrollment and attendance at an eligible private school.

825 (10) Before scholarship payments are made, the state board shall cross-check
826 enrollment lists of scholarship students, LEAs, and youth in [~~custody~~] care to ensure that
827 scholarship payments are not erroneously made.

828 Section 13. Section 53G-6-210 is amended to read:

829 **53G-6-210. Educational neglect of a minor -- Procedures -- Defenses.**

830 (1) With regard to a minor who is the subject of a petition under Section 80-3-201
831 based on educational neglect:

832 (a) if allegations include failure of a minor to make adequate educational progress, the
833 juvenile court shall permit demonstration of the minor's educational skills and abilities based
834 upon any of the criteria used in granting school credit, in accordance with Section 53G-6-702;

835 (b) parental refusal to comply with actions taken by school authorities in violation of
836 Section 53G-10-202, 53G-10-205, 53G-10-403, or 53G-10-203, does not constitute educational
837 neglect;

838 (c) parental refusal to support efforts by a school to encourage a minor to act in
839 accordance with any educational objective that focuses on the adoption or expression of a
840 personal philosophy, attitude, or belief that is not reasonably necessary to maintain order and
841 discipline in the school, prevent unreasonable endangerment of persons or property, or to
842 maintain concepts of civility and propriety appropriate to a school setting, does not constitute
843 educational neglect; and

844 (d) an allegation of educational neglect may not be sustained, based solely on a minor's
845 absence from school, unless the minor has been absent from school or from any given class,
846 without good cause, for more than 10 consecutive school days or more than 1/[16] 10 of the
847 applicable school term.

848 (2) A minor may not be considered to be educationally neglected, for purposes of this
849 chapter:

850 (a) unless there is clear and convincing evidence that:

851 (i) the minor has failed to make adequate educational progress, and school officials
852 have complied with the requirements of Section 53G-6-206; [~~and~~] or

853 (ii) the minor is two or more years behind the local public school's age group
854 expectations in one or more basic skills, and is not receiving special educational services or
855 systematic remediation efforts designed to correct the problem;

856 (b) if the minor's parent or guardian establishes by a preponderance of the evidence
857 that:

858 (i) school authorities have failed to comply with the requirements of this title;

859 (ii) the minor is being instructed at home in compliance with Section 53G-6-204;

860 (iii) there is documentation that the minor has demonstrated educational progress at a
861 level commensurate with the minor's ability;

862 (iv) the parent, guardian, or other person in control of the minor has made a good faith

863 effort to secure the minor's regular attendance in school;

864 (v) good cause or a valid excuse exists for the minor's absence from school;

865 (vi) the minor is not required to attend school under court order or is exempt under
866 other applicable state or federal law;

867 (vii) the minor has performed above the twenty-fifth percentile of the local public
868 school's age group expectations in all basic skills, as measured by a standardized academic
869 achievement test administered by the school district where the minor resides; or

870 (viii) the parent or guardian presented a reasonable alternative curriculum to required
871 school curriculum, in accordance with Section [53G-10-205](#) or [53G-10-403](#), and the alternative
872 curriculum was rejected by the school district, but the parents have implemented the alternative
873 curriculum; or

874 (c) if the minor is attending school on a regular basis.

875 Section 14. Section **53G-6-802** is amended to read:

876 **53G-6-802. Annual notice of parental rights.**

877 (1) An LEA shall annually notify a parent of a student enrolled in the LEA of:

878 (a) the parent's rights as specified in this part[-]; and

879 (b) the constitutional protections as described in Section [53G-6-808](#).

880 (2) An LEA satisfies the notification requirement described in Subsection (1) by
881 posting the information on the LEA's website or through other means of electronic
882 communication.

883 Section 15. Section **53G-7-224** is enacted to read:

884 **53G-7-224. Local education agency communication requirements -- Protection.**

885 (1) As used in this section, "school employee" means the same as that term is defined
886 in Section [53G-8-510](#).

887 (2) On or before October 1 of each year, an LEA shall provide the state board with the
888 official email address of each school employee.

889 (3) The state board shall provide the email address described in Subsection (1) to the
890 Legislature upon request.

891 (4) The state board and the Legislature:

892 (a) may use an email address provided under Subsection (1) for official communication
893 between the state board or Legislature and the school employee; and

894 (b) may not disclose an email address provided under Subsection (1) to a third party.

895 Section 16. Section **53G-7-501** is amended to read:

896 **53G-7-501. Definitions.**

897 As used in this part:

898 (1) "Co-curricular activity" means an activity, a course, or a program that:

899 (a) is an extension of a curricular activity;

900 (b) is included in an instructional plan and supervised or conducted by a teacher or
901 education professional;

902 (c) is conducted outside of regular school hours;

903 (d) is provided, sponsored, or supported by an LEA; and

904 (e) includes a required regular school day activity, course, or program.

905 (2) "Curricular activity" means an activity, a course, or a program that is:

906 (a) intended to deliver instruction;

907 (b) provided, sponsored, or supported by an LEA; and

908 (c) conducted only during school hours.

909 (3) "Elementary school" means a school that provides instruction to students in grades
910 kindergarten, 1, 2, 3, 4, 5, or 6.

911 (4) (a) "Elementary school student" means a student enrolled in an elementary school.

912 (b) "Elementary school student" does not include a secondary school student.

913 (5) (a) "Extracurricular activity" means an activity, a course, or a program that is:

914 (i) not directly related to delivering instruction;

915 (ii) not a curricular activity or co-curricular activity; and

916 (iii) provided, sponsored, or supported by an LEA.

917 (b) "Extracurricular activity" does not include a noncurricular club as defined in

918 Section **53G-7-701**.

919 (6) (a) "Fee" means a charge, expense, deposit, rental, or payment:

920 (i) regardless of how the charge, expense, deposit, rental, or payment is termed,
921 described, requested, or required directly or indirectly;

922 (ii) in the form of money, goods, or services; and

923 (iii) that is a condition to a student's full participation in an activity, course, or program

924 that is provided, sponsored, or supported by an LEA.

- 925 (b) "Fee" includes:
- 926 ~~[(i) money or something of monetary value raised by a student or the student's family~~
 927 ~~through fundraising;]~~
- 928 ~~[(ii)]~~ (i) charges or expenditures for a school field trip or activity trip, including related
 929 transportation, food, lodging, and admission charges;
- 930 ~~[(iii)]~~ (ii) payments made to a third party that provides a part of a school activity, class,
 931 or program;
- 932 ~~[(iv)]~~ (iii) charges or expenditures for classroom~~[-(A) textbooks; (B)]~~ instructional
 933 equipment or supplies; ~~[or]~~
- 934 ~~[(C) materials;]~~
- 935 ~~[(v)]~~ (iv) charges or expenditures for school activity clothing; and
- 936 ~~[(vi)]~~ (v) a fine other than a fine described in Subsection (6)(c)(i).
- 937 (c) "Fee" does not include:
- 938 (i) a student fine specifically approved by an LEA for:
- 939 (A) failing to return school property;
- 940 (B) losing, wasting, or damaging private or school property through intentional,
 941 careless, or irresponsible behavior, or as described in Section [53G-8-212](#); or
- 942 (C) improper use of school property, including a parking violation;
- 943 (ii) a payment for school breakfast or lunch;
- 944 (iii) a deposit that is:
- 945 (A) a pledge securing the return of school property; and
- 946 (B) refunded upon the return of the school property; ~~[or]~~
- 947 (iv) a charge for insurance, unless the insurance is required for a student to participate
 948 in an activity, course, or program~~[-]; or~~
- 949 (v) money or another item of monetary value raised by a student or the student's family
 950 through fundraising.
- 951 (7) (a) "Fundraising" means an activity or event provided, sponsored, or supported by
 952 an LEA that uses students to generate funds or raise money to:
- 953 (i) provide financial support to a school or a school's class, group, team, or program; or
- 954 (ii) benefit a particular charity or for other charitable purposes.
- 955 (b) "Fundraising" does not include an alternative method of raising revenue without

956 students.

957 (8) (a) "Instructional equipment or supplies" means an activity-, course-, or
958 program-related supply or tool that:

959 (i) a student is required to use as part of an activity, course, or program in a secondary
960 school;

961 (ii) becomes the property of the student upon exiting the activity, course, or program;

962 and

963 (iii) is subject to a fee waiver.

964 (b) "Instructional equipment or supplies" does not include school equipment.

965 ~~[(8)]~~ (9) (a) "School activity clothing" means special shoes or items of clothing:

966 (i) (A) that meet specific requirements, including requesting a specific brand, fabric, or
967 imprint; and

968 (B) that a school requires a student to provide; and

969 (ii) that ~~[is]~~ are required to be worn by a student for ~~[a co-curricular or extracurricular]~~
970 an activity-, course-, or a program-related activity.

971 (b) "School activity clothing" does not include:

972 (i) a school uniform; or

973 (ii) clothing that is commonly found in students' homes.

974 (10) "School equipment" means a machine, equipment, facility, or tool that:

975 (a) is durable;

976 (b) is owned by a secondary school; and

977 (c) a student uses as part of an activity, course, or program in a secondary school.

978 ~~[(9)]~~ (11) (a) "School uniform" means special shoes or an item of clothing:

979 (i) (A) that meet specific requirements, including a requested specific color, style,
980 fabric, or imprint; and

981 (B) that a school requires a student to provide; and

982 (ii) that is worn by a student for a curricular activity.

983 (b) "School uniform" does not include school activity clothing.

984 ~~[(10)]~~ (12) "Secondary school" means a school that provides instruction to students in
985 grades 7, 8, 9, 10, 11, or 12.

986 ~~[(11)]~~ (13) "Secondary school student":

987 (a) means a student enrolled in a secondary school; and

988 (b) includes a student in grade 6 if the student attends a secondary school.

989 ~~[(12)]~~ (14) (a) "Textbook" means ~~[the same as that term is defined in Section~~

990 ~~53G-7-601.]~~ instructional material necessary for participation in an activity, course, or

991 program, regardless of the format of the material.

992 (b) "Textbook" includes:

993 (i) a hardcopy book or printed pages of instructional material, including a consumable

994 workbook; or

995 (ii) computer hardware, software, or digital content.

996 (c) "Textbook" does not include instructional equipment or supplies.

997 ~~[(13)]~~ (15) "Waiver" means a full ~~[or partial]~~ release from a requirement to pay a fee

998 and from any provision in lieu of fee payment.

999 Section 17. Section **53G-7-602** is amended to read:

1000 **53G-7-602. State policy on providing free textbooks.**

1001 (1) It is the public policy of this state that public education shall be free.

1002 (2) A student may not be denied an education because of economic inability to
1003 purchase textbooks necessary for advancement in or graduation from the public school system.

1004 (3) (a) Beginning with the ~~[2022-23]~~ 2024-2025 school year, an LEA[:]

1005 ~~[(i) except as provided in Subsection (3)(a)(ii), may not sell textbooks or otherwise~~
1006 ~~charge a fee for textbooks or the maintenance costs of school equipment; and]~~

1007 ~~[(ii)]~~ may only charge a fee for a textbook required for an Advanced Placement,
1008 International Baccalaureate, or, as described in Section 53E-10-302, a concurrent enrollment
1009 course.

1010 (b) The LEA shall waive a fee described in Subsection ~~[(3)(a)(ii)]~~ (3)(a) in full or in
1011 part if a student qualifies for a waiver in accordance with Section 53G-7-504.

1012 Section 18. Section **53G-7-1206** is amended to read:

1013 **53G-7-1206. School LAND Trust Program.**

1014 (1) As used in this section:

1015 ~~[(a) "Charter school authorizer" means the same as that term is defined in Section~~
1016 ~~53G-5-102.]~~

1017 ~~[(b)]~~ (a) "Charter trust land council" means a council established by a charter school

1018 governing board under Section 53G-7-1205.

1019 ~~[(e)]~~ (b) "Council" means a school community council or a charter trust land council.

1020 ~~[(d)]~~ (c) "LAND trust plan" means a school's plan to use School LAND Trust Program
1021 money to implement a component of the school's success plan.

1022 ~~[(e)]~~ (d) "School community council" means a council established at a district school in
1023 accordance with Section 53G-7-1202.

1024 ~~[(f)]~~ (e) "Teacher and student success plan" or "success plan" means the same as that
1025 term is defined in Section 53G-7-1301.

1026 (2) ~~[There is established]~~ This section creates the School LAND (Learning And
1027 Nurturing Development) Trust Program under the state board to:

1028 (a) provide financial resources to public schools to enhance or improve student
1029 academic achievement and implement a component of a district school or charter school's
1030 teacher and student success plan; and

1031 (b) involve parents of a school's students in decision making regarding the expenditure
1032 of School LAND Trust Program money allocated to the school.

1033 (3) To receive an allocation under Section 53F-2-404:

1034 (a) a district school shall have established a school community council in accordance
1035 with Section 53G-7-1202;

1036 (b) a charter school shall have established a charter trust land council in accordance
1037 with Section 53G-7-1205; and

1038 (c) the school's principal shall provide a signed, written assurance that the school is in
1039 compliance with Subsection (3)(a) or (b).

1040 (4) (a) A council shall create a program to use the school's allocation distributed under
1041 Section 53F-2-404 to implement a component of the school's success plan, including:

1042 (i) the school's identified most critical academic needs;

1043 (ii) a recommended course of action to meet the identified academic needs;

1044 (iii) a specific listing of any programs, practices, materials, or equipment that the
1045 school will need to implement a component of the school's success plan to have a direct impact
1046 on the instruction of students and result in measurable increased student performance; and

1047 (iv) how the school intends to spend the school's allocation of funds under this section
1048 to enhance or improve academic excellence at the school.

- 1049 (b) (i) A council shall create and vote to adopt a LAND trust plan in a meeting of the
1050 council at which a quorum is present.
- 1051 (ii) If a majority of the quorum votes to adopt a LAND trust plan, the LAND trust plan
1052 is adopted.
- 1053 (c) A council shall:
- 1054 (i) post a LAND trust plan that is adopted in accordance with Subsection (4)(b) on the
1055 School LAND Trust Program website; and
- 1056 (ii) include with the LAND trust plan a report noting the number of council members
1057 who voted for or against the approval of the LAND trust plan and the number of council
1058 members who were absent for the vote.
- 1059 (d) (i) The local school board of a district school shall approve or disapprove a LAND
1060 trust plan.
- 1061 (ii) If a local school board disapproves a LAND trust plan:
- 1062 (A) the local school board shall provide a written explanation of why the LAND trust
1063 plan was disapproved and request the school community council who submitted the LAND
1064 trust plan to revise the LAND trust plan; and
- 1065 (B) the school community council shall submit a revised LAND trust plan in response
1066 to a local school board's request under Subsection (4)(d)(ii)(A).
- 1067 (iii) Once a LAND trust plan has been approved by a local school board, a school
1068 community council may amend the LAND trust plan, subject to a majority vote of the school
1069 community council and local school board approval.
- 1070 (e) A charter trust land council's LAND trust plan is subject to approval by the:
- 1071 (i) charter school governing board; and
- 1072 (ii) ~~charter school's charter school authorizer~~ budget officer whom the charter school
1073 governing board appoints.
- 1074 (5) (a) A district school or charter school shall:
- 1075 (i) implement the program as approved;
- 1076 (ii) provide ongoing support for the council's program; and
- 1077 (iii) meet state board reporting requirements regarding financial and performance
1078 accountability of the program.
- 1079 (b) (i) A district school or charter school shall prepare and post an annual report of the

1080 program on the School LAND Trust Program website before the council submits a plan for the
1081 following year.

1082 (ii) The report shall detail the use of program funds received by the school under this
1083 section and an assessment of the results obtained from the use of the funds.

1084 (iii) A summary of the report shall be provided to parents of students [~~attending~~] who
1085 attend the school.

1086 (6) An LEA shall record the LEA's expenditures of School LAND Trust Program funds
1087 through a financial reporting system that the board identifies to assist schools in developing the
1088 annual report described in Subsection (5)(b).

1089 (7) The president or chair of a local school board or charter school governing board
1090 shall ensure that the members of the local school board or charter school governing board are
1091 provided with annual training on the requirements of this section.

1092 (8) (a) The state board shall provide training to the entities described in Subsection
1093 (8)(b) on:

1094 (i) the School LAND Trust Program; and

1095 (ii) (A) a school community council; or

1096 (B) a charter trust land council.

1097 (b) The state board shall provide the training to:

1098 (i) a local school board or a charter school governing board;

1099 (ii) a school district or a charter school; and

1100 (iii) a school community council.

1101 (9) The state board shall annually review each school's compliance with applicable
1102 law, including rules adopted by the state board in accordance with Title 63G, Chapter 3, Utah
1103 Administrative Rulemaking Act, by:

1104 (a) reading each LAND trust plan submitted; and

1105 (b) reviewing expenditures made from School LAND Trust Program money.

1106 (10) The state board shall designate a staff member who administers the School LAND
1107 Trust Program:

1108 (a) to serve as a member of the Land Trusts Protection and Advocacy Committee
1109 created under Section [53D-2-202](#); and

1110 (b) who may coordinate with the Land Trusts Protection and Advocacy Office director,

1111 appointed under Section 53D-2-203, to attend meetings or events within the School and
1112 Institutional Trust System, as defined in Section 53D-2-102, that relate to the School LAND
1113 Trust Program.

1114 Section 19. Section 53G-8-405 is amended to read:

1115 **53G-8-405. Liability for release of information.**

1116 (1) The district superintendent, district superintendent's designee, principal, and any
1117 staff member notified by the principal may not be held liable for information which may
1118 become public knowledge unless it can be shown by clear and convincing evidence that the
1119 information became public knowledge through an intentional act of the superintendent,
1120 principal, or a staff member.

1121 (2) A person receiving information under Section 53G-8-403 or 80-6-103 is immune
1122 from any liability, civil or criminal, for acting or failing to act in response to the information
1123 unless the person acts or fails to act due to malice, gross negligence, or deliberate indifference
1124 to the consequences.

1125 Section 20. Section 53G-9-703 is amended to read:

1126 **53G-9-703. Parent education -- Mental health -- Bullying -- Safety.**

1127 (1) (a) Except as provided in Subsection (3), a school district shall offer a seminar for
1128 parents of students who attend school in the school district that:

1129 (i) is offered at no cost to parents;

1130 (ii) (A) begins at or after 6 p.m.; or

1131 (B) takes place on a Saturday;

1132 (iii) (A) is held in at least one school located in the school district; [and] or

1133 (B) is provided through a virtual platform; and

1134 (iv) covers the topics described in Subsection (2).

1135 (b) (i) A school district shall annually offer one parent seminar for each 11,000
1136 students enrolled in the school district.

1137 (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer
1138 more than three seminars.

1139 (c) A school district may:

1140 (i) develop [its] the district school's own curriculum for the seminar described in

1141 Subsection (1)(a); or

1142 (ii) use the curriculum developed by the state board under Subsection (2).
1143 (d) A school district shall notify each charter school located in the attendance
1144 boundaries of the school district of the date and time of a parent seminar, so the charter school
1145 may inform parents of the seminar.

1146 (2) The state board shall:

1147 (a) develop a curriculum for the parent seminar described in Subsection (1) that
1148 includes information on:

1149 (i) substance abuse, including illegal drugs and prescription drugs and prevention;

1150 (ii) bullying;

1151 (iii) mental health, depression, suicide awareness, and suicide prevention, including
1152 education on limiting access to fatal means;

1153 (iv) Internet safety, including pornography addiction; and

1154 (v) the SafeUT [and] Crisis Line established in Section 53B-17-1202; and

1155 (b) provide the curriculum, including resources and training, to school districts upon
1156 request.

1157 (3) (a) A school district is not required to offer the parent seminar if the local school
1158 board determines that the topics described in Subsection (2) are not of significant interest or
1159 value to families in the school district.

1160 (b) If a local school board chooses not to offer the parent seminar, the local school
1161 board shall notify the state board and provide the reasons why the local school board chose not
1162 to offer the parent seminar.

1163 Section 21. Section 53G-10-402 is amended to read:

1164 **53G-10-402. Instruction in health -- Parental consent requirements -- Political**
1165 **and religious doctrine prohibited -- Conduct and speech of school employees and**
1166 **volunteers.**

1167 (1) As used in this section:

1168 (a) "LEA governing board" means a local school board or charter school governing
1169 board.

1170 (b) "Refusal skills" means instruction:

1171 (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or
1172 adult;

1173 (ii) in a student's obligation to stop the student's sexual advances if refused by another
1174 individual;

1175 (iii) informing a student of the student's right to report and seek counseling for
1176 unwanted sexual advances;

1177 (iv) in sexual harassment; and

1178 (v) informing a student that a student may not consent to criminally prohibited
1179 activities or activities for which the student is legally prohibited from giving consent, including
1180 the electronic transmission of sexually explicit images by an individual of the individual or
1181 another.

1182 (2) (a) The state board shall establish curriculum requirements under Section
1183 [53E-3-501](#) that include instruction in:

1184 (i) community and personal health;

1185 (ii) physiology;

1186 (iii) personal hygiene;

1187 (iv) prevention of communicable disease;

1188 (v) refusal skills; and

1189 (vi) the harmful effects of pornography.

1190 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1191 state board shall make rules that, and instruction shall:

1192 (i) stress the importance of abstinence from all sexual activity before marriage and
1193 fidelity after marriage as methods for preventing certain communicable diseases;

1194 (ii) stress personal skills that encourage individual choice of abstinence and fidelity;

1195 (iii) prohibit instruction in:

1196 (A) the intricacies of intercourse, sexual stimulation, or erotic behavior;

1197 (B) the advocacy of premarital or extramarital sexual activity; or

1198 (C) the advocacy or encouragement of the use of contraceptive methods or devices; and

1199 (iv) except as provided in Subsection (2)(d), allow instruction to include information
1200 about contraceptive methods or devices that stresses effectiveness, limitations, risks, and
1201 information on state law applicable to minors obtaining contraceptive methods or devices.

1202 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1203 state board shall make rules for an LEA governing board that adopts instructional materials

1204 under Subsection (2)(g)(ii) that:

1205 (i) require the LEA governing board to report on the materials selected and the LEA
1206 governing board's compliance with Subsection (2)(h); and

1207 (ii) provide for an appeal and review process of the LEA governing board's adoption of
1208 instructional materials.

1209 (d) The state board may not require an LEA to teach or adopt instructional materials
1210 that include information on contraceptive methods or devices.

1211 (e) (i) At no time may instruction be provided, including responses to spontaneous
1212 questions raised by students, regarding any means or methods that facilitate or encourage the
1213 violation of any state or federal criminal law by a minor or an adult.

1214 (ii) Subsection (2)(e)(i) does not preclude an instructor from responding to a
1215 spontaneous question as long as the response is consistent with the provisions of this section.

1216 (f) The state board shall recommend instructional materials for use in the curricula
1217 required under Subsection (2)(a) after considering evaluations of instructional materials by the
1218 State Instructional Materials Commission.

1219 (g) An LEA governing board may choose to adopt:

1220 (i) the instructional materials recommended under Subsection (2)(f); or

1221 (ii) other instructional materials in accordance with Subsection (2)(h).

1222 (h) An LEA governing board that adopts instructional materials under Subsection
1223 (2)(g)(ii) shall:

1224 (i) ensure that the materials comply with state law and board rules;

1225 (ii) base the adoption of the materials on the recommendations of the LEA governing
1226 board's Curriculum Materials Review Committee; ~~and~~

1227 (iii) adopt the instructional materials in an open and regular meeting of the LEA
1228 governing board for which prior notice is given to parents of students ~~attending~~ who attend
1229 the respective schools; and

1230 (iv) give parents an opportunity ~~[for parents]~~ to express ~~[their]~~ the parents' views and
1231 opinions on the materials at the meeting described in Subsection (2)(h)(iii).

1232 (3) (a) A student shall receive instruction in the courses described in Subsection (2) on
1233 at least two occasions during the period that begins with the beginning of grade 8 and the end
1234 of grade 12.

1235 (b) At the request of the state board, the Department of Health shall cooperate with the
1236 state board in developing programs to provide instruction in those areas.

1237 (4) (a) The state board shall adopt rules that:

1238 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323
1239 are complied with; and

1240 (ii) require a student's parent to be notified in advance and have an opportunity to
1241 review the information for which parental consent is required under Sections 76-7-322 and
1242 76-7-323.

1243 (b) The state board shall also provide procedures for disciplinary action for violation of
1244 Section 76-7-322 or 76-7-323.

1245 (5) (a) In keeping with the requirements of Section 53G-10-204, and because school
1246 employees and volunteers serve as examples to [their] students, school employees or volunteers
1247 acting in [their] an official [capacities] capacity may not support or encourage criminal conduct
1248 by students, teachers, or volunteers.

1249 (b) To ensure the effective performance of school personnel, the limitations described
1250 in Subsection (5)(a) also apply to a school employee or volunteer acting outside of the school
1251 employee's or volunteer's official [capacities] capacity if:

1252 (i) the employee or volunteer knew or should have known that the employee's or
1253 volunteer's action could result in a material and substantial interference or disruption in the
1254 normal activities of the school; and

1255 (ii) that action does result in a material and substantial interference or disruption in the
1256 normal activities of the school.

1257 (c) The state board or an LEA governing board may not allow training of school
1258 employees or volunteers that [supports] support or [encourages] encourage criminal conduct.

1259 (d) The state board shall adopt, in accordance with Title 63G, Chapter 3, Utah
1260 Administrative Rulemaking Act, rules implementing this section.

1261 (e) Nothing in this section limits the ability or authority of the state board or an LEA
1262 governing board to enact and enforce rules or take actions that are otherwise lawful, regarding
1263 [~~educators', employees', or volunteers'~~] an educator's, employee's, or volunteer's qualifications
1264 or behavior evidencing unfitness for duty.

1265 (6) Except as provided in Section 53G-10-202, political, atheistic, sectarian, religious,

1266 or denominational doctrine may not be taught in the public schools.

1267 (7) (a) An LEA governing board and an LEA governing board's employees shall
1268 cooperate and share responsibility in carrying out the purposes of this chapter.

1269 (b) An LEA governing board shall provide appropriate professional development for
1270 the LEA governing board's teachers, counselors, and school administrators to enable ~~[them]~~ the
1271 teachers, counselors, and school administrators to understand, protect, and properly instruct
1272 students in the values and character traits referred to in this section and Sections 53E-9-202,
1273 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and 53G-10-205, and distribute
1274 appropriate written materials on the values, character traits, and conduct to each individual
1275 receiving the professional development.

1276 (c) An LEA governing board shall make the written materials described in Subsection
1277 (7)(b) available to classified employees, students, and ~~[parents of students]~~ students' parents.

1278 (d) In order to assist an LEA governing board in providing the professional
1279 development required under Subsection (7)(b), the state board shall, as appropriate, contract
1280 with a qualified individual or entity possessing expertise in the areas referred to in Subsection
1281 (7)(b) to develop and disseminate model teacher professional development programs that an
1282 LEA governing board may use to train the individuals referred to in Subsection (7)(b) to
1283 effectively teach the values and qualities of character referenced in Subsection (7).

1284 (e) In accordance with the provisions of Subsection (5)(c), professional development
1285 may not support or encourage criminal conduct.

1286 (8) An LEA governing board shall review every two years:

1287 (a) LEA governing board policies on instruction described in this section;

1288 (b) for a local school board, data for each county that the school district is located in,
1289 or, for a charter school governing board, data for the county in which the charter school is
1290 located, on the following:

1291 (i) teen pregnancy;

1292 (ii) child sexual abuse; and

1293 (iii) sexually transmitted diseases and sexually transmitted infections; and

1294 (c) the number of pornography complaints or other instances reported within the
1295 jurisdiction of the LEA governing board.

1296 (9) If any one or more provision, subsection, sentence, clause, phrase, or word of this

1297 section, or the application thereof to any person or circumstance, is found to be
1298 unconstitutional, the balance of this section shall be given effect without the invalid provision,
1299 subsection, sentence, clause, phrase, or word.

1300 Section 22. Section **63I-1-253 (Superseded 07/01/24)** is amended to read:

1301 **63I-1-253 (Superseded 07/01/24). Repeal dates: Titles 53 through 53G.**

1302 (1) Section **53-2a-105**, which creates the Emergency Management Administration
1303 Council, is repealed July 1, 2027.

1304 (2) Sections **53-2a-1103** and **53-2a-1104**, which create the Search and Rescue Advisory
1305 Board, are repealed July 1, 2027.

1306 (3) Section **53-5-703**, which creates the Concealed Firearm Review Board, is repealed
1307 July 1, 2024.

1308 (4) Section **53B-6-105.5**, which creates the Technology Initiative Advisory Board, is
1309 repealed July 1, 2024.

1310 (5) Section **53B-7-709**, regarding five-year performance goals for the Utah System of
1311 Higher Education is repealed July 1, 2027.

1312 (6) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed
1313 July 1, 2028.

1314 (7) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.

1315 (8) Section **53B-17-1203**, which creates the SafeUT and School Safety Commission, is
1316 repealed January 1, 2025.

1317 (9) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

1318 (10) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
1319 Research Center, is repealed on July 1, 2028.

1320 (11) Subsection **53C-3-203(4)(b)(vii)**, which provides for the distribution of money
1321 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
1322 hydrologic studies in the West Desert, is repealed July 1, 2030.

1323 (12) Subsections **53E-3-503(5)** and **(6)**, which create coordinating councils for youth in
1324 [~~custody~~] care, are repealed July 1, 2027.

1325 (13) In relation to a standards review committee, on January 1, 2028:

1326 (a) in Subsection **53E-4-202(8)**, the language "by a standards review committee and the
1327 recommendations of a standards review committee established under Section **53E-4-203**" is

1328 repealed; and

1329 (b) Section 53E-4-203 is repealed.

1330 (14) Section 53E-4-402, which creates the State Instructional Materials Commission, is
1331 repealed July 1, 2027.

1332 (15) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
1333 repealed July 1, 2033.

1334 (16) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
1335 Program, is repealed July 1, 2024.

1336 [~~(17)~~ Section 53F-5-213 is repealed July 1, 2023.]

1337 [~~(18)~~ (17) Section 53F-5-214, in relation to a grant for professional learning, is
1338 repealed July 1, 2025.

1339 [~~(19)~~ (18) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
1340 repealed July 1, 2025.

1341 [~~(20)~~ (19) Section 53F-5-219, which creates the Local Innovations Civics Education
1342 Pilot Program, is repealed on July 1, 2025.

1343 [~~(21)~~ (20) Subsection 53F-9-203(7), which creates the Charter School Revolving
1344 Account Committee, is repealed July 1, 2024.

1345 [~~(22)~~ (21) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
1346 Commission, are repealed January 1, 2025.

1347 [~~(23)~~ (22) Section 53G-9-212, Drinking water quality in schools, is repealed July 1,
1348 2027.

1349 [~~(24)~~ (23) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed
1350 July 1, 2027.

1351 Section 23. Section 63I-1-253 (Eff 07/01/24) (Cont Sup 01/01/25) is amended to read:
1352 63I-1-253 (Eff 07/01/24) (Cont Sup 01/01/25). Repeal dates: Titles 53 through
1353 53G.

1354 (1) Section 53-2a-105, which creates the Emergency Management Administration
1355 Council, is repealed July 1, 2027.

1356 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory
1357 Board, are repealed July 1, 2027.

1358 (3) Section 53-2d-703 is repealed July 1, 2027.

- 1359 (4) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed
1360 July 1, 2024.
- 1361 (5) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
1362 repealed July 1, 2024.
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1364 Higher Education is repealed July 1, 2027.
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- 1368 (9) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is
1369 repealed January 1, 2025.
- 1370 (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.
- 1371 (11) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
1372 Research Center, is repealed on July 1, 2028.
- 1373 (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
1374 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
1375 hydrologic studies in the West Desert, is repealed July 1, 2030.
- 1376 (13) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in
1377 [~~custody~~] care, are repealed July 1, 2027.
- 1378 (14) In relation to a standards review committee, on January 1, 2028:
- 1379 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
1380 recommendations of a standards review committee established under Section 53E-4-203" is
1381 repealed; and
- 1382 (b) Section 53E-4-203 is repealed.
- 1383 (15) Section 53E-4-402, which creates the State Instructional Materials Commission, is
1384 repealed July 1, 2027.
- 1385 (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
1386 repealed July 1, 2033.
- 1387 (17) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
1388 Program, is repealed July 1, 2024.
- 1389 [~~(18) Section 53F-5-213 is repealed July 1, 2023.~~]

- 1390 [~~(19)~~] (18) Section 53F-5-214, in relation to a grant for professional learning, is
1391 repealed July 1, 2025.
- 1392 [~~(20)~~] (19) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
1393 repealed July 1, 2025.
- 1394 [~~(21)~~] (20) Section 53F-5-219, which creates the Local Innovations Civics Education
1395 Pilot Program, is repealed on July 1, 2025.
- 1396 [~~(22)~~] (21) Subsection 53F-9-203(7), which creates the Charter School Revolving
1397 Account Committee, is repealed July 1, 2024.
- 1398 [~~(23)~~] (22) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
1399 Commission, are repealed January 1, 2025.
- 1400 [~~(24)~~] (23) Section 53G-9-212, Drinking water quality in schools, is repealed July 1,
1401 2027.
- 1402 [~~(25)~~] (24) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed
1403 July 1, 2027.
- 1404 Section 24. Section **63I-1-253 (Contingently Effective 01/01/25)** is amended to read:
1405 **63I-1-253 (Contingently Effective 01/01/25). Repeal dates: Titles 53 through 53G.**
- 1406 (1) Section 53-2a-105, which creates the Emergency Management Administration
1407 Council, is repealed July 1, 2027.
- 1408 (2) Sections 53-2a-1103 and 53-2a-1104, which create the Search and Rescue Advisory
1409 Board, are repealed July 1, 2027.
- 1410 (3) Section 53-2d-703 is repealed July 1, 2027.
- 1411 (4) Section 53-5-703, which creates the Concealed Firearm Review Board, is repealed
1412 July 1, 2024.
- 1413 (5) Section 53B-6-105.5, which creates the Technology Initiative Advisory Board, is
1414 repealed July 1, 2024.
- 1415 (6) Section 53B-7-709, regarding five-year performance goals for the Utah System of
1416 Higher Education is repealed July 1, 2027.
- 1417 (7) Title 53B, Chapter 8a, Part 3, Education Savings Incentive Program, is repealed
1418 July 1, 2028.
- 1419 (8) Title 53B, Chapter 17, Part 11, USTAR Researchers, is repealed July 1, 2028.
- 1420 (9) Section 53B-17-1203, which creates the SafeUT and School Safety Commission, is

1421 repealed January 1, 2025.

1422 (10) Title 53B, Chapter 18, Part 16, USTAR Researchers, is repealed July 1, 2028.

1423 (11) Title 53B, Chapter 18, Part 18, Electrification of Transportation Infrastructure
1424 Research Center, is repealed on July 1, 2028.

1425 (12) Subsection 53C-3-203(4)(b)(vii), which provides for the distribution of money
1426 from the Land Exchange Distribution Account to the Geological Survey for test wells and other
1427 hydrologic studies in the West Desert, is repealed July 1, 2030.

1428 (13) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in
1429 [custody] care, are repealed July 1, 2027.

1430 (14) In relation to a standards review committee, on January 1, 2028:

1431 (a) in Subsection 53E-4-202(8), the language "by a standards review committee and the
1432 recommendations of a standards review committee established under Section 53E-4-203" is
1433 repealed; and

1434 (b) Section 53E-4-203 is repealed.

1435 (15) Section 53E-4-402, which creates the State Instructional Materials Commission, is
1436 repealed July 1, 2027.

1437 (16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is
1438 repealed July 1, 2033.

1439 (17) Section 53F-2-420, which creates the Intensive Services Special Education Pilot
1440 Program, is repealed July 1, 2024.

1441 [~~(18) Section 53F-5-213 is repealed July 1, 2023.~~]

1442 [~~(19)~~] (18) Section 53F-5-214, in relation to a grant for professional learning, is
1443 repealed July 1, 2025.

1444 [~~(20)~~] (19) Section 53F-5-215, in relation to an elementary teacher preparation grant, is
1445 repealed July 1, 2025.

1446 [~~(21)~~] (20) Section 53F-5-219, which creates the Local Innovations Civics Education
1447 Pilot Program, is repealed on July 1, 2025.

1448 [~~(22)~~] (21) (a) Subsection 53F-9-201.1(2)(b)(ii), in relation to the use of funds from a
1449 loss in enrollment for certain fiscal years, is repealed on July 1, 2030.

1450 (b) On July 1, 2030, the Office of Legislative Research and General Counsel shall
1451 renumber the remaining subsections accordingly.

1452 [~~(23)~~] (22) Subsection 53F-9-203(7), which creates the Charter School Revolving
1453 Account Committee, is repealed July 1, 2024.

1454 [~~(24)~~] (23) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety
1455 Commission, are repealed January 1, 2025.

1456 [~~(25)~~] (24) Section 53G-9-212, Drinking water quality in schools, is repealed July 1,
1457 2027.

1458 [~~(26)~~] (25) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed
1459 July 1, 2027.

1460 Section 25. Section 80-6-104 is amended to read:

1461 **80-6-104. Data collection on offenses committed by minors -- Reporting**
1462 **requirement.**

1463 (1) As used in this section:

1464 (a) "Firearm" means the same as that term is defined in Section 76-10-501.

1465 (b) "Firearm-related offense" means a criminal offense involving a firearm.

1466 (c) "School is in session" means the same as that term is defined in Section 53E-3-516.

1467 (d) "School-sponsored activity" means the same as that term is defined in Section
1468 53E-3-516.

1469 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
1470 following data to the State Commission on Criminal and Juvenile Justice, broken down by
1471 judicial district, for the preceding calendar year:

1472 (a) the number of referrals to the juvenile court;

1473 (b) the number of minors diverted to a nonjudicial adjustment;

1474 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;

1475 (d) the number of minors for whom a petition for an offense is filed in the juvenile
1476 court;

1477 (e) the number of minors for whom an information is filed in the juvenile court;

1478 (f) the number of minors bound over to the district court by the juvenile court;

1479 (g) the number of petitions for offenses committed by minors that were dismissed by
1480 the juvenile court;

1481 (h) the number of adjudications in the juvenile court for offenses committed by minors;

1482 (i) the number of guilty pleas entered into by minors in the juvenile court;

1483 (j) the number of dispositions resulting in secure care, community-based placement,
1484 formal probation, and intake probation; and

1485 (k) for each minor charged in the juvenile court with a firearm-related offense:

1486 (i) the minor's age at the time the offense was committed or allegedly committed;

1487 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;

1488 (iii) whether the minor is a restricted person under Subsection 76-10-503(1)(a)(iv) or
1489 (1)(b)(iii);

1490 (iv) the type of offense for which the minor is charged;

1491 (v) the outcome of the minor's case in juvenile court, including whether the minor was
1492 bound over to the district court or adjudicated by the juvenile court; and

1493 (vi) if a disposition was entered by the juvenile court, whether the disposition resulted
1494 in secure care, community-based placement, formal probation, or intake probation.

1495 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition
1496 of a case resulting from a firearm-related offense committed, or allegedly committed, by a
1497 minor when the minor is found in possession of a firearm while school is in session or during a
1498 school-sponsored activity.

1499 (4) In collaboration with the Administrative Office of the Courts, the division, and
1500 other agencies, the State Commission on Criminal and Juvenile Justice shall collect data for the
1501 preceding calendar year on:

1502 (a) the length of time that minors spend in the juvenile justice system, including the
1503 total amount of time minors spend under juvenile court jurisdiction, on community
1504 supervision, and in each out-of-home placement;

1505 (b) recidivism of minors who are diverted to a nonjudicial adjustment and minors for
1506 whom dispositions are ordered by the juvenile court, including tracking minors into the adult
1507 corrections system;

1508 (c) changes in aggregate risk levels from the time minors receive services, are under
1509 supervision, and are in out-of-home placement; and

1510 (d) dosages of programming.

1511 (5) On and before October 1 of each year, the State Commission on Criminal and
1512 Juvenile Justice shall prepare and submit a written report to the Judiciary Interim Committee
1513 and the Law Enforcement and Criminal Justice Interim Committee that includes:

1514 (a) data collected by the State Commission on Criminal and Juvenile Justice under this
1515 section;

1516 (b) data collected by the State Board of Education under Section [53E-3-516](#); and

1517 (c) recommendations for legislative action with respect to the data described in this
1518 Subsection (5).

1519 (6) After submitting the written report described in Subsection (5), the State
1520 Commission on Criminal and Juvenile Justice may supplement the report at a later time with
1521 updated data and information the State Board of Education collects under Section [53E-3-516](#).

1522 [~~6~~] (7) Nothing in this section shall be construed to require the disclosure of
1523 information or data that is classified as controlled, private, or protected under Title 63G,
1524 Chapter 2, Government Records Access and Management Act.

1525 Section 26. **Effective date.**

1526 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

1527 (2) (a) The actions affecting Section [63I-1-253](#) (Eff 07/01/24) (Cont Sup 01/01/25) take
1528 effect on July 1, 2024.

1529 (b) The actions affecting Section [63I-1-253](#) (Contingently Effective 01/01/25)
1530 contingently take effect on January 1, 2025.