

HB0082S01 compared with HB0082

~~{deleted text}~~ shows text that was in HB0082 but was deleted in HB0082S01.

inserted text shows text that was not in HB0082 but was inserted into HB0082S01.

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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

~~{Committee Note:~~

~~—————The Education Interim Committee recommended this bill.~~

~~—————Legislative Vote: 9 voting for 5 voting against 6 absent~~

~~{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;

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- 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.

Utah Code Sections Affected:

AMENDS:

53D-2-203, as enacted by Laws of Utah 2018, Chapter 448

53E-1-203, as last amended by Laws of Utah 2022, Chapters 36, 218

53E-3-503, as last amended by Laws of Utah 2023, Chapter 328

53E-3-516, as last amended by Laws of Utah 2023, Chapters 115, 161

53E-4-204.1, as enacted by Laws of Utah 2022, Chapter 472

53E-4-314, as last amended by Laws of Utah 2022, Chapter 316

53E-6-102, as last amended by Laws of Utah 2019, Chapter 186

53E-6-506, as last amended by Laws of Utah 2022, Chapter 250

53E-6-604, as last amended by Laws of Utah 2020, Chapter 327

53E-9-302, as last amended by Laws of Utah 2023, Chapter 381

53F-2-208, as last amended by Laws of Utah 2023, Chapters 129, 161 and 356

~~{ 53F-2-410, as repealed and reenacted by Laws of Utah 2023, Chapter 161 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 98~~

‡ 53F-4-304, as last amended by Laws of Utah 2020, Chapter 408

53G-6-210, as renumbered and amended by Laws of Utah 2021, Chapter 261

53G-6-802, as last amended by Laws of Utah 2019, Chapter 293

53G-7-501, as last amended by Laws of Utah 2020, Chapter 51

53G-7-602, as last amended by Laws of Utah 2020, Chapter 138

53G-7-1206, as last amended by Laws of Utah 2021, Chapter 144

~~{ 53G-8-403, as last amended by Laws of Utah 2023, Chapter 161~~

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- ‡ 53G-8-405, as last amended by Laws of Utah 2021, Chapter 262
- 53G-9-703, as last amended by Laws of Utah 2019, Chapters 293, 324 and 446
- 53G-10-402, as last amended by Laws of Utah 2020, Chapters 354, 408
- ~~{ 53G-10-403, as last amended by Laws of Utah 2019, Chapter 293~~
- ‡ 63I-1-253 (Superseded 07/01/24), as last amended by Laws of Utah 2023, Chapters 30, 52, 133, 161, 367, and 494
- 63I-1-253 (Eff 07/01/24) (Cont Sup 01/01/25), as last amended by Laws of Utah 2023, Chapters 30, 52, 133, 161, 310, 367, and 494
- 63I-1-253 (Contingently Effective 01/01/25), as last amended by Laws of Utah 2023, Chapters 30, 52, 133, 161, 187, 310, 367, and 494
- ~~{ 80-6-103, as last amended by Laws of Utah 2023, Chapter 161~~
- ‡ 80-6-104, as enacted by Laws of Utah 2023, Chapter 161
- ~~{RENUMBERS AND AMENDS:~~
- ~~53G-6-808, (Renumbered from 53G-10-205, as last amended by Laws of Utah 2023, Chapter 412)}~~ ENACTS:
- 53G-7-224, Utah Code Annotated 1953

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;

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- (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.

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

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

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

(c) actively seek necessary and accurate information;

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

- (i) generating trust revenue;
- (ii) protecting trust assets; or
- (iii) distributing funds for the exclusive use of trust beneficiaries;

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

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

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

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

(i) the advocacy committee;

(ii) the state treasurer;

(iii) the State Board of Education; and

(iv) the Executive Appropriations Committee;

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

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

(ii) the University of Utah;

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

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

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

(vi) the Division of Water Resources, created in Section 73-10-18, on behalf of the reservoir trust;

(vii) the College of Mines and Earth Sciences created in Section 53B-17-401;

(viii) each state teachers' college, based on the college's annual number of teacher graduates, on behalf of the normal school trust;

(ix) the Miners' Hospital described in Section 53B-17-201; and

(x) the State Capitol Preservation Board, created in Section 63C-9-201, on behalf of the public buildings trust;

(j) as requested by the state treasurer, draft proposed rules and submit the proposed rules to the advocacy committee for review;

(k) in accordance with state and federal law, respond to external requests for information about the School and Institutional Trust Lands System;

(l) in accordance with state and federal law, speak on behalf of trust beneficiaries:

(i) at School and Institutional Trust Lands Administration meetings;

(ii) at School and Institutional Trust Fund Office meetings; and

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(iii) with the media;

(m) review proposed legislation that affects the school and institutional trust and trust beneficiaries and advocate for legislative change that best serves the interests of the trust beneficiaries; and

(n) educate the public regarding the School and Institutional Trust Lands System.

(6) With regard to reviewing the activities described in Subsection (5)(d), the advocacy director may have access to the financial reports and other data required for a review.

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

53E-1-203. State Superintendent's Annual Report.

(1) The state board shall prepare and submit to the governor, the Education Interim Committee, and the Public Education Appropriations Subcommittee, by January 15 of each year, an annual written report known as the State Superintendent's Annual Report that includes:

(a) the operations, activities, programs, and services of the state board;

(b) subject to Subsection (4)(b), all reports listed in Subsection (4)(a); and

(c) data on the general condition of the schools with recommendations considered desirable for specific programs, including:

(i) a complete statement of fund balances;

(ii) a complete statement of revenues by fund and source;

(iii) a complete statement of adjusted expenditures by fund, the status of bonded indebtedness, the cost of new school plants, and school levies;

(iv) a complete statement of state funds allocated to each school district and charter school by source, including supplemental appropriations, and a complete statement of expenditures by each school district and charter school, including supplemental appropriations, by function and object as outlined in the United States Department of Education publication "Financial Accounting for Local and State School Systems";

(v) a statement that includes data on:

(A) fall enrollments;

(B) average membership;

(C) high school graduates;

(D) licensed and classified employees, including data reported by school districts on educator ratings described in Section 53G-11-511;

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- (E) pupil-teacher ratios;
- (F) average class sizes;
- (G) average salaries;
- (H) applicable private school data; and
- (I) data from statewide assessments described in Section 53E-4-301 for each school

and school district;

(vi) statistical information for each school district and charter school regarding:

(A) student attendance by grade level;

(B) the percentage of students chronically absent;

(C) the percentage of student excused absences; and

(D) the percentage of student unexcused absences;

~~[(v)]~~ (vii) statistical information regarding incidents of delinquent activity in the schools ~~[(v)]~~ [or] at school-related activities, on school buses, and at school bus stops; and

~~[(vi)]~~ (viii) other statistical and financial information about the school system that the state superintendent considers pertinent.

(2) (a) For the purposes of Subsection (1)(c)(v):

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

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

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

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

(b) The report shall:

(i) include the pupil-teacher ratio for:

(A) each school district;

(B) the charter schools aggregated; and

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

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

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

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

(b) data and metrics:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) The annual report shall be designed to provide clear, accurate, and accessible information to the public, the governor, and the Legislature.

(6) The state board shall:

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

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

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

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

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

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

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

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

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

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

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

(C) being held in a juvenile detention facility.

(b) The state board shall:

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

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

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

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

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

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

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

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

(3) The state board shall, where feasible, contract with school districts or other appropriate agencies to provide educational, administrative, and supportive services, but the

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state board shall retain responsibility for the programs.

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

(i) a search and seizure by an SRO;

(ii) issuance of a criminal citation;

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(iii) issuance of a ticket or summons;

(iv) filing a delinquency petition; or

(v) referral to a probation officer.

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

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

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

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

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

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

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

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

(a) arrests of a minor;

(b) other law enforcement activities;

(c) disciplinary actions; and

(d) minors found in possession of a dangerous weapon.

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

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

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

(b) the number of other law enforcement activities, including the following information

for each incident:

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

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

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

(i) the reason for the disciplinary action; [~~and~~]

(ii) the type of disciplinary action;

(iii) the number of suspensions imposed;

(iv) the average length of suspensions;

(v) the number of days of instruction lost due to suspensions; and

(vi) the number of expulsions;

(d) the number of SROs employed;

(e) if applicable, the demographics of an individual who is subject to, as the following are defined in Section 53G-9-601, bullying, hazing, cyber-bullying, or retaliation; and

(f) the number of minors found in possession of a dangerous weapon on school grounds while school is in session or during a school-sponsored activity.

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

(a) age;

(b) grade level;

(c) race;

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

(e) disability status[~~;~~]; and

(f) youth in care designation.

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

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

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

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

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

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state board shall make rules to compile the report described in Subsection (2).

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

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

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

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

Section 5. Section 53E-4-204.1 is amended to read:

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

(1) As used in this section:

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

(b) "Ethnic studies" means the interdisciplinary social and historical study of how different populations have experienced and participated in building the United States of America, including the study of the culture, history, and contributions of Utahns of diverse ethnicities.

(c) "Ethnic Studies Commission" means the Ethnic Studies Commission created in Section 63C-28-201.

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

(i) Native American;

(ii) Alaska Native;

(iii) Native Hawaiian;

(iv) Pacific Islander;

(v) Hispanic or Latino;

(vi) Black or African American;

(vii) Asian or Asian American; or

(viii) from diverse backgrounds and experiences.

(2) (a) The state board shall incorporate ethnic studies into the core standards for Utah

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public schools.

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

(i) consult with the Ethnic Studies Commission; and

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

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

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

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

(c) recommendations of the Ethnic Studies Commission.

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

(5) (a) By ~~August 1, 2024~~ December 31, 2025, an LEA shall select curriculum and instructional materials for teaching ethnic studies to students in kindergarten through grade 12 that:

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

(ii) are integrated with regular school work.

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

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

(A) that each individual student has unique characteristics;

(B) the common elements that unite Utahns; and

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

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

(c) An LEA shall:

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

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incorporating ethnic studies; and

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

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

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

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

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

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

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

or

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

Section ~~5~~6. Section **53E-4-314** is amended to read:

53E-4-314. School readiness assessment.

(1) As used in this section:

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

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

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

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

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

(3) A school readiness program shall:

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

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

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

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

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

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

(i) a private child care provider; or

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

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

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

53E-6-102. Definitions.

As used in this chapter:

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

(2) "Educator" means:

(a) a person who holds a license;

(b) a teacher, counselor, administrator, librarian, or other person required, under rules of the state board, to hold a license; or

(c) a person who is the subject of an allegation which has been received by an LEA, ~~the~~ the state board, or UPPAC and was, at the time noted in the allegation, a license holder or a person employed in a position requiring licensure.

(3) "License" means an authorization issued by the state board that permits the holder to serve in a professional capacity in the public schools.

(4) "National Board certification" means a current certificate issued by the National Board for Professional Teaching Standards.

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(5) "School" means a public or private entity that provides educational services to a minor child.

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

Section ~~77~~8. Section **53E-6-506** is amended to read:

53E-6-506. UPPAC duties and procedures.

(1) The state board may direct UPPAC to review a complaint about an educator and recommend that the state board:

- (a) dismiss the complaint; or
- (b) investigate the complaint in accordance with this section.

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

- (i) in accordance with this section, investigate a complaint's allegation or decision; or
- (ii) hold a hearing.
- (b) UPPAC may initiate a hearing as part of an investigation.

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

- (i) provide findings to the state board; and
- (ii) make a recommendation for state board action.

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

(3) (a) The state board may:

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

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

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

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

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

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

(d) If UPPAC finds that reasonable cause exists during an investigation, UPPAC may

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recommend that the state board initiate a background check on an educator as described in Section 53G-11-403.

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

(4) The state board may direct UPPAC to:

(a) recommend to the state board procedures for:

(i) receiving and processing complaints;

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

(iii) conducting hearings; or

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

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

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

(ii) suggestions for improvement of the education profession; or

(c) fulfill other duties the state board finds appropriate.

(5) UPPAC may not participate as a party in a dispute relating to negotiations between:

(a) a school district and the school district's educators; or

(b) a charter school and the charter school's educators.

(6) The state board shall make rules [~~establishing~~], in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish UPPAC duties and procedures.

Section ~~8~~9. Section **53E-6-604** is amended to read:

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

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

(i) is immoral, unprofessional, or incompetent; or

(ii) violates standards of ethical conduct, performance, or professional competence.

(b) If the state board determines an allegation or decision described in Subsection

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(1)(a) does not evidence an educator's unfitness for duty, the state board may dismiss the allegation or decision without an investigation or hearing.

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

- (a) was charged with a felony of a sexual nature;
- (b) was convicted of a felony of a sexual nature;
- (c) pled guilty to a felony of a sexual nature;
- (d) entered a plea of no contest to a felony of a sexual nature;
- (e) entered a plea in abeyance to a felony of a sexual nature;
- (f) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual

Offenses, against a minor child;

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

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

- (i) is not enrolled in an adult education program in an LEA;
- (ii) is not a minor; and
- (iii) (A) is enrolled in an LEA where the educator is employed; or
(B) is a participant in an extracurricular program in which the educator is involved.

(3) Upon notice that an educator allegedly violated Section 53E-6-701, the state board shall direct UPPAC to:

- (a) investigate the alleged violation; and
- (b) hold a hearing to allow the educator to respond to the allegation.

(4) Upon completion of an investigation or hearing described in this section, UPPAC shall:

- (a) provide findings to the state board; and
- (b) make a recommendation for state board action.

(5) (a) Except as provided in Subsection (5)(b), upon review of UPPAC's findings and recommendation, the state board may:

- (i) revoke the educator's license;
- (ii) suspend the educator's license;

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- (iii) restrict or prohibit the educator from renewing the educator's license;
- (iv) warn or reprimand the educator;
- (v) enter into a written agreement with the educator that requires the educator to comply with certain conditions;
- (vi) direct UPPAC to further investigate or gather information; or
- (vii) take other action the state board finds to be appropriate for and consistent with the educator's behavior.

(b) Upon review of UPPAC's findings and recommendation, the state board shall revoke the license of an educator who:

- (i) was convicted of a felony of a sexual nature;
- (ii) pled guilty to a felony of a sexual nature;
- (iii) entered a plea of no contest to a felony of a sexual nature;
- (iv) entered a plea in abeyance to a felony of a sexual nature;
- (v) was convicted of a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against a minor child;
- (vi) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who is a minor;
- (vii) engaged in sexually explicit conduct, as defined in Section 76-5b-103, with a student who:

- (A) is not enrolled in an adult education program in an LEA;
- (B) is not a minor; and
- (C) is enrolled in an LEA where the educator is employed or is a participant in an extracurricular program in which the educator is involved; or

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

- (A) a felony of a sexual nature; or
- (B) a sexual offense or sexually explicit conduct described in Subsection (5)(b)(v), (vi), or (vii).

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

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

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

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

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

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

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

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

(a) a statewide data governance plan; and

(b) a state-level metadata dictionary.

(3) ~~(a) [As described in this Subsection (3), the state]~~ The state board shall establish ~~[advisory groups]~~ a student data protection advisory group to oversee student data protection in the state ~~[and make recommendations to the state board regarding student data protection including:]~~.

~~[(a) a student data policy advisory group:]~~

~~[(i) that is composed of members from:]~~

~~[(A) the Legislature;]~~

~~[(B) the state board and state board employees; and]~~

~~[(C) one or more LEAs;]~~

~~[(ii) to discuss and make recommendations to the state board regarding:]~~

~~[(A) enacted or proposed legislation; and]~~

~~[(B) state and local student data protection policies across the state;]~~

~~[(iii) that reviews and monitors the state student data governance plan; and]~~

~~[(iv) that performs other tasks related to student data protection as designated by the state board:]~~

~~[(b) a student data governance advisory group:]~~

~~[(i) that is composed of the state student data officer and other state board employees;~~

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and]

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

~~[(A) overseeing data collection and usage by state board program offices; and]~~

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

~~[(c) a student data users advisory group:]~~

~~[(i) that is composed of members who use student data at the local level; and]~~

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

(b) The student data protection advisory group shall be composed of:

(i) members from the Legislature;

(ii) members from the state board;

(iii) the state student data officer;

(iv) one or more LEAs;

(v) state board employees; and

(vi) others who use student data at the local level.

(c) The student data protection advisory group shall:

(i) make recommendations to the state board regarding:

(A) enacted or proposed legislation; and

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

(ii) review and monitor the state student data governance plan; and

(iii) perform other tasks related to student data protection as directed by the state board.

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

(b) The state student data officer shall:

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

(ii) ensure compliance with student privacy laws throughout the public education system, including:

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

(B) producing resource materials, model plans, and model forms for local student data protection governance, including a model student data collection notice;

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- (iii) investigate complaints of alleged violations of this part;
- (iv) report violations of this part to:
 - (A) the state board;
 - (B) an applicable education entity; and
 - (C) the student data [~~policy~~] protection advisory group; and
- (v) act as a state level student data manager.
- (5) The state board shall designate:
 - (a) at least one support manager to assist the state student data officer; and
 - (b) a student data protection auditor to assist the state student data officer.
- (6) The state board shall establish a research review process for a request for data for the purpose of research or evaluation.

Section ~~{10}~~11. Section **53F-2-208** is amended to read:

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

- (1) In accordance with Subsection (2), the Legislature shall annually determine:
 - (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations to the following programs:
 - (i) education for youth in [~~custody~~] care, described in Section 53E-3-503;
 - (ii) concurrent enrollment courses for accelerated foreign language students described in Section 53E-10-307;
 - (iii) the Basic Program, described in Part 3, Basic Program (Weighted Pupil Units);
 - (iv) the Adult Education Program, described in Section 53F-2-401;
 - (v) state support of pupil transportation, described in Section 53F-2-402;
 - (vi) the Enhancement for Accelerated Students Program, described in Section 53F-2-408;
 - (vii) the Concurrent Enrollment Program, described in Section 53F-2-409;
 - (viii) the juvenile gang and other violent crime prevention and intervention program, described in Section 53F-2-410; and
 - (ix) dual language immersion, described in Section 53F-2-502; and
 - (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year, the current fiscal year's ongoing state tax fund appropriations to the following programs:

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- (i) a program described in Subsection (1)(a);
 - (ii) educator salary adjustments, described in Section 53F-2-405;
 - (iii) the Teacher Salary Supplement Program, described in Section 53F-2-504;
 - (iv) the Voted and Board Local Levy Guarantee programs, described in Section 53F-2-601; and
 - (v) charter school local replacement funding, described in Section 53F-2-702.
- (2) (a) In or before December each year, the Executive Appropriations Committee shall determine:
- (i) the cost of the inflation adjustment described in Subsection (1)(a); and
 - (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).
- (b) The Executive Appropriations Committee shall make the determinations described in Subsection (2)(a) based on recommendations developed by the Office of the Legislative Fiscal Analyst, in consultation with the state board and the Governor's Office of Planning and Budget.
- (3) If the Executive Appropriations Committee includes in the public education base budget or the final public education budget an increase in the value of the WPU in excess of the amounts described in Subsection (1)(a), the Executive Appropriations Committee shall also include an appropriation to the Local Levy Growth Account established in Section 53F-9-305 in an amount equivalent to at least 0.5% of the total amount appropriated for WPUs in the relevant budget.

~~{ Section 11. Section 53F-2-410 is amended to read:~~

~~53F-2-410. Juvenile gang and other violent crime prevention and intervention program -- Funding:~~

~~(1) Subject to appropriations by the Legislature, the state board shall:~~

~~(a) create a juvenile gang and other violent crime prevention and intervention program that is designed to help students at risk for violent criminal involvement stay in school; and~~

~~(b) distribute money under the program to school districts and charter schools through the distribution formula described in Subsection (2).~~

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

~~(a) establish a formula to distribute program funding to schools in school districts and~~

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~~charter schools that:~~

~~—— (i) uses the data reported to the state board under Section [80-6-104] 53E-3-516, and~~

~~—— (ii) prioritizes the schools in school districts and charter schools based on the prevalence of crimes committed by minors within the boundaries of each municipality where a school is located;~~

~~—— (b) annually adjust the distribution of program funding using the most current data reported to the state board under Section [80-6-104] 53E-3-516; and~~

~~—— (c) establish baseline performance standards that school districts or charter schools are required to meet in order to receive funding under the program.~~

~~—— (3) (a) A school district or a charter school seeking program funding shall submit a proposal to the state board that:~~

~~—— (i) describes how the school district or charter school intends to use the funds; and~~

~~—— (ii) provides data related to Subsection (2)(a)(ii).~~

~~—— (b) The state board shall allocate funding on a per student basis to prioritized school districts and charter schools that submit a successful proposal under Subsection (3)(a).~~

~~—— (4) The state board may not distribute funds to a school district or a charter school that fails to meet performance standards described in Subsection (2)(c).~~

~~—— (5) A school district or a charter school that is awarded funds under this section shall submit a report to the state board that includes details on:~~

~~—— (a) how the school district or the charter school used the funds; and~~

~~—— (b) the school district's, or the charter school's, compliance with the performance standards described in Subsection (2)(c).~~

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

53F-4-304. Scholarship payments.

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

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

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

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

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(ii) the product of:

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

(B) 0.0007.

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

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

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

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

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

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

(ii) the private school tuition and fees; and

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

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

(ii) the private school tuition and fees.

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

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

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

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

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

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

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

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

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

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

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

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

(ii) the private school tuition and fees.

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

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

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

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

(iii) If the student is enrolled in a half-day kindergarten or part-day preschool program,

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a full-year scholarship is equal to the amount specified in Subsection (3).

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

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

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

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

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

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

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

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

(b) parental refusal to comply with actions taken by school authorities in violation of Section ~~53G-6-808,~~ 53G-10-202, ~~53G-10-205,~~ ~~53G-10-403,~~ or 53G-10-203, does not constitute educational neglect;

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

(d) an allegation of educational neglect may not be sustained, based solely on a minor's

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absence from school, unless the minor has been absent from school or from any given class, without good cause, for more than 10 consecutive school days or more than 1/[~~16~~] 10 of the applicable school term.

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

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

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

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

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

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

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

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

(iv) the parent, guardian, or other person in control of the minor has made a good faith effort to secure the minor's regular attendance in school;

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

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

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

(viii) the parent or guardian presented a reasonable alternative curriculum to required school curriculum, in accordance with Section ~~§~~ 53G-10-205 ~~§ 53G-6-808~~ or 53G-10-403, and the alternative curriculum was rejected by the school district, but the parents have implemented the alternative curriculum; or

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

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

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

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

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

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

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

Section ~~{14}~~ 15. Section ~~{53G-6-808, which is renumbered from Section 53G-10-205~~ is renumbered and amended to read:

~~_____ [53G-10-205]. _____ 53G-6-808. Waivers of participation.~~

~~_____ } 53G-7-224 is enacted to read:~~

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

~~(1) As used in this section{:~~

~~_____ (a) } , "{School" means a public school.~~

~~_____ (b) "Student" means a public school student in kindergarten through grade 12.~~

~~_____ (2) (a) In accordance with Utah Constitution, Article I, Section 4, a student may refrain from participation in any aspect of school that violates a religious belief or right of conscience of the student.~~

~~_____ (b) A school may not, in any aspect of school:~~

~~_____ (i) require or incentivize a student to affirm or deny the student's or the student's parent's religious belief or right of conscience;~~

~~_____ (ii) engage a student in a practice that violates or is contrary to the student's or the student's parent's religious belief or right of conscience; or~~

~~_____ (iii) penalize or discriminate against a student for refraining from participation due to the student's or the student's parent's religious belief or right of conscience.~~

~~_____ (3) When a student refrains from participating in any aspect of school that violates the student's or the student's parent's religious belief or right of conscience, the school:~~

~~_____ (a) shall promptly notify the student's parent;~~

~~_____ (b) may offer an alternative that does not violate the student's or the student's parent's religious belief or right of conscience; and~~

~~_____ (c) may not require the student or the student's parent to explain, defend, or justify the~~

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~~student's or the student's parent's religious belief or right of conscience.~~

~~(4) A student's parent may waive the student's participation in any aspect of school that violates the student's or the student's parent's religious belief or right of conscience.~~

~~(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the school employee" means the same as that term is defined in Section 53G-8-510.~~

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

(3) The state board shall ~~make rules consistent with this section.~~

~~Section 15}~~provide the email address described in Subsection (1) to the Legislature upon request.

(4) The state board and the Legislature:

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

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

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

53G-7-501. Definitions.

As used in this part:

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

(a) is an extension of a curricular activity;

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

(c) is conducted outside of regular school hours;

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

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

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

(a) intended to deliver instruction;

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

(c) conducted only during school hours.

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

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

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

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

- (i) not directly related to delivering instruction;
- (ii) not a curricular activity or co-curricular activity; and
- (iii) provided, sponsored, or supported by an LEA.

(b) "Extracurricular activity" does not include a noncurricular club as defined in Section 53G-7-701.

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

- (i) regardless of how the charge, expense, deposit, rental, or payment is termed, described, requested, or required directly or indirectly;
- (ii) in the form of money, goods, or services; and
- (iii) that is a condition to a student's full participation in an activity, course, or program that is provided, sponsored, or supported by an LEA.

(b) "Fee" includes:

~~[(i) money or something of monetary value raised by a student or the student's family through fundraising;]~~

~~[(ii)]~~ (i) charges or expenditures for a school field trip or activity trip, including related transportation, food, lodging, and admission charges;

~~[(iii)]~~ (ii) payments made to a third party that provides a part of a school activity, class, or program;

~~[(iv)]~~ (iii) charges or expenditures for classroom~~[: (A) textbooks, (B)]~~ instructional equipment or supplies; ~~[(C)]~~

~~[(C) materials;]~~

~~[(v)]~~ (iv) charges or expenditures for school activity clothing; and

~~[(vi)]~~ (v) a fine other than a fine described in Subsection (6)(c)(i).

(c) "Fee" does not include:

(i) a student fine specifically approved by an LEA for:

(A) failing to return school property;

(B) losing, wasting, or damaging private or school property through intentional, careless, or irresponsible behavior, or as described in Section 53G-8-212; or

(C) improper use of school property, including a parking violation;

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- (ii) a payment for school breakfast or lunch;
- (iii) a deposit that is:
 - (A) a pledge securing the return of school property; and
 - (B) refunded upon the return of the school property; [~~or~~]
- (iv) a charge for insurance, unless the insurance is required for a student to participate in an activity, course, or program[-]; or
- (v) money or another item of monetary value raised by a student or the student's family through fundraising.

(7) (a) "Fundraising" means an activity or event provided, sponsored, or supported by an LEA that uses students to generate funds or raise money to:

- (i) provide financial support to a school or a school's class, group, team, or program; or
 - (ii) benefit a particular charity or for other charitable purposes.
- (b) "Fundraising" does not include an alternative method of raising revenue without students.

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

- (i) a student is required to use as part of an activity, course, or program in a secondary school;
 - (ii) becomes the property of the student upon exiting the activity, course, or program;
- and
- (iii) is subject to a fee waiver.

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

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

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

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

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

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

(i) a school uniform; or

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

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

(a) is durable;

(b) is owned by a secondary school; and

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

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

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

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

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

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

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

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

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

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

~~[(12)]~~ (14) (a) "Textbook" means ~~[the same as that term is defined in Section 53G-7-601.]~~ instructional material necessary for participation in an activity, course, or program, regardless of the format of the material.

(b) "Textbook" includes:

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

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

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

~~[(13)]~~ (15) "Waiver" means a full ~~[or partial]~~ release from a requirement to pay a fee and from any provision in lieu of fee payment.

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

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

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

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

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

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

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

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

Section ~~{16}~~ 18. Section **53G-7-1206** is amended to read:

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

(1) As used in this section:

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

~~[(b)]~~ (a) "Charter trust land council" means a council established by a charter school governing board under Section 53G-7-1205.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) (i) A council shall create and vote to adopt a LAND trust plan in a meeting of the council at which a quorum is present.

(ii) If a majority of the quorum votes to adopt a LAND trust plan, the LAND trust plan is adopted.

(c) A council shall:

(i) post a LAND trust plan that is adopted in accordance with Subsection (4)(b) on the School LAND Trust Program website; and

(ii) include with the LAND trust plan a report noting the number of council members who voted for or against the approval of the LAND trust plan and the number of council members who were absent for the vote.

(d) (i) The local school board of a district school shall approve or disapprove a LAND trust plan.

(ii) If a local school board disapproves a LAND trust plan:

(A) the local school board shall provide a written explanation of why the LAND trust plan was disapproved and request the school community council who submitted the LAND trust plan to revise the LAND trust plan; and

(B) the school community council shall submit a revised LAND trust plan in response to a local school board's request under Subsection (4)(d)(ii)(A).

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(iii) Once a LAND trust plan has been approved by a local school board, a school community council may amend the LAND trust plan, subject to a majority vote of the school community council and local school board approval.

(e) A charter trust land council's LAND trust plan is subject to approval by the:

(i) charter school governing board; and

(ii) ~~[charter school's charter school authorizer]~~ budget officer whom the charter school governing board appoints.

(5) (a) A district school or charter school shall:

(i) implement the program as approved;

(ii) provide ongoing support for the council's program; and

(iii) meet state board reporting requirements regarding financial and performance accountability of the program.

(b) (i) A district school or charter school shall prepare and post an annual report of the program on the School LAND Trust Program website before the council submits a plan for the following year.

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

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

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

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

(8) (a) The state board shall provide training to the entities described in Subsection

(8)(b) on:

(i) the School LAND Trust Program; and

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

(B) a charter trust land council.

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

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- (i) a local school board or a charter school governing board;
- (ii) a school district or a charter school; and
- (iii) a school community council.

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

- (a) reading each LAND trust plan submitted; and
- (b) reviewing expenditures made from School LAND Trust Program money.

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

- (a) to serve as a member of the Land Trusts Protection and Advocacy Committee created under Section 53D-2-202; and
- (b) who may coordinate with the Land Trusts Protection and Advocacy Office director, appointed under Section 53D-2-203, to attend meetings or events within the School and Institutional Trust System, as defined in Section 53D-2-102, that relate to the School LAND Trust Program.

Section ~~{17}~~19. Section ~~{53G-8-403}~~53G-8-405 is amended to read:

~~{~~**53G-8-403. Superintendent required to notify school:**

~~———— (1) Within three days of receiving a notification from the juvenile court or a law enforcement agency under Section 80-6-103, the district superintendent, or the district superintendent's designee, shall notify the principal of the school the juvenile attends [or], last attended[.], or will attend.~~

~~———— (2) Upon receipt of the information, the principal shall:~~

~~———— (a) make a notation in a secure file other than the student's permanent file; and~~

~~———— (b) if the student is still enrolled in the school, notify staff members who, in his opinion, should know of the adjudication.~~

~~———— (3) A person receiving information pursuant to this part may only disclose the information to other persons having both a right and a current need to know.~~

~~———— (4) Access to secure files shall be limited to persons authorized to receive information under this part.~~

~~———— Section 18. Section 53G-8-405 is amended to read:~~

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† 53G-8-405. Liability for release of information.

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

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

Section ~~†19~~20. Section **53G-9-703** is amended to read:

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

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

(i) is offered at no cost to parents;

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

(B) takes place on a Saturday;

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

(B) is provided through a virtual platform; and

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

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

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

(c) A school district may:

(i) develop ~~[its]~~ the district school's own curriculum for the seminar described in Subsection (1)(a); or

(ii) use the curriculum developed by the state board under Subsection (2).

(d) A school district shall notify each charter school located in the attendance boundaries of the school district of the date and time of a parent seminar, so the charter school may inform parents of the seminar.

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(2) The state board shall:

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

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

(ii) bullying;

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

(iv) Internet safety, including pornography addiction; and

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

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

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

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

Section ~~20~~21. Section **53G-10-402** is amended to read:

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

(1) As used in this section:

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

(b) "Refusal skills" means instruction:

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

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

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

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(iv) in sexual harassment; and

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

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

- (i) community and personal health;
- (ii) physiology;
- (iii) personal hygiene;
- (iv) prevention of communicable disease;
- (v) refusal skills; and
- (vi) the harmful effects of pornography.

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

- (i) stress the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for preventing certain communicable diseases;
- (ii) stress personal skills that encourage individual choice of abstinence and fidelity;
- (iii) prohibit instruction in:
 - (A) the intricacies of intercourse, sexual stimulation, or erotic behavior;
 - (B) the advocacy of premarital or extramarital sexual activity; or
 - (C) the advocacy or encouragement of the use of contraceptive methods or devices; and
- (iv) except as provided in Subsection (2)(d), allow instruction to include information about contraceptive methods or devices that stresses effectiveness, limitations, risks, and information on state law applicable to minors obtaining contraceptive methods or devices.

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules for an LEA governing board that adopts instructional materials under Subsection (2)(g)(ii) that:

- (i) require the LEA governing board to report on the materials selected and the LEA governing board's compliance with Subsection (2)(h); and
- (ii) provide for an appeal and review process of the LEA governing board's adoption of

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instructional materials.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323

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are complied with; and

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

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

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

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

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

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

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

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

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

(6) Except as provided in Section 53G-10-202, political, atheistic, sectarian, religious, or denominational doctrine may not be taught in the public schools.

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

(b) An LEA governing board shall provide appropriate professional development for

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the LEA governing board's teachers, counselors, and school administrators to enable ~~[them]~~ the teachers, counselors, and school administrators to understand, protect, and properly instruct students in the values and character traits referred to in this section and Sections 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and ~~§§~~53G-10-205 ~~§~~ 53G-6-808, and distribute appropriate written materials on the values, character traits, and conduct to each individual receiving the professional development.

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

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

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

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

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

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

(i) teen pregnancy;

(ii) child sexual abuse; and

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

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

(9) If any one or more provision, subsection, sentence, clause, phrase, or word of this section, or the application thereof to any person or circumstance, is found to be unconstitutional, the balance of this section shall be given effect without the invalid provision, subsection, sentence, clause, phrase, or word.

~~{~~ ~~Section 21. Section 53G-10-403 is amended to read:~~

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~~53G-10-403. Required parental consent for sex education instruction:~~

~~(1) As used in this section:~~

~~(a) (i) "Sex education instruction" means any course material, unit, class, lesson, activity, or presentation that, as the focus of the discussion, provides instruction or information to a student about:~~

~~(A) sexual abstinence;~~

~~(B) human sexuality;~~

~~(C) human reproduction;~~

~~(D) reproductive anatomy;~~

~~(E) physiology;~~

~~(F) pregnancy;~~

~~(G) marriage;~~

~~(H) childbirth;~~

~~(I) parenthood;~~

~~(J) contraception;~~

~~(K) HIV/AIDS;~~

~~(L) sexually transmitted diseases; or~~

~~(M) refusal skills, as defined in Section 53G-10-402.~~

~~(ii) "Sex education instruction" does not include child sexual abuse prevention instruction described in Section 53G-9-207.~~

~~(b) "School" means the same as that term is defined in Section [53G-10-205] 53G-6-808.~~

~~(2) A school shall obtain prior written consent from a student's parent before the school may provide sex education instruction to the student.~~

~~(3) If a student's parent chooses not to have the student participate in sex education instruction, a school shall:~~

~~(a) waive the requirement for the student to participate in the sex education instruction; or~~

~~(b) provide the student with a reasonable alternative to the sex education instruction requirement.~~

~~(4) In cooperation with the student's teacher or school, a parent shall take responsibility~~

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~~for the parent's student's sex education instruction if a school:~~

~~—— (a) waives the student's sex education instruction requirement in Subsection (3)(a), or~~

~~—— (b) provides the student with a reasonable alternative to the sex education instruction requirement described in Subsection (3)(b):~~

~~—— (5) A student's academic or citizenship performance may not be penalized if the student's parent chooses not to have the student participate in sex education instruction as described in Subsection (3):~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) Subsections 53E-3-503(5) and (6), which create coordinating councils for youth in

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[~~custody~~] care, are repealed July 1, 2027.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 23. Section **63I-1-253 (Eff 07/01/24) (Cont Sup 01/01/25)** is amended to read:

63I-1-253 (Eff 07/01/24) (Cont Sup 01/01/25). Repeal dates: Titles 53 through 53G.

(1) Section 53-2a-105, which creates the Emergency Management Administration

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Council, is repealed July 1, 2027.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) Title 53E, Chapter 6, Part 5, Utah Professional Practices Advisory Commission, is

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repealed July 1, 2033.

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

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

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

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

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

~~[(22)]~~ (21) Subsection 53F-9-203(7), which creates the Charter School Revolving Account Committee, is repealed July 1, 2024.

~~[(23)]~~ (22) Subsections 53G-4-608(2)(b) and (4)(b), related to the Utah Seismic Safety Commission, are repealed January 1, 2025.

~~[(24)]~~ (23) Section 53G-9-212, Drinking water quality in schools, is repealed July 1, 2027.

~~[(25)]~~ (24) Title 53G, Chapter 10, Part 6, Education Innovation Program, is repealed July 1, 2027.

Section 24. Section **63I-1-253 (Contingently Effective 01/01/25)** is amended to read:
63I-1-253 (Contingently Effective 01/01/25). Repeal dates: Titles 53 through 53G.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 25. Section ~~{80-6-103}~~; 80-6-104 is amended to read:

~~{~~ ~~80-6-103. Notification to a school -- Civil and criminal liability.~~

~~_____~~ (1) ~~As used in this section:~~

~~_____~~ (a) ~~"School" means a school in a local education agency.~~

~~_____~~ (b) ~~"Local education agency" means a school district, a charter school, or the Utah Schools for the Deaf and the Blind.~~

~~_____~~ (c) ~~"School official" means:~~

~~_____~~ (i) ~~the school superintendent, or the school superintendent's designee, of the district in which the minor resides or attends school; or~~

~~_____~~ (ii) ~~if there is no school superintendent for the school, the principal, or the principal's designee, of the school where the minor attends.~~

~~_____~~ (d) ~~"Transferee school official" means:~~

~~_____~~ (i) ~~the school superintendent, or the school superintendent's designee, of the district in which the minor resides or attends school if the minor is admitted to home detention; or~~

~~_____~~ (ii) ~~if there is no school superintendent for the school, the principal, or the principal's designee, of the school where the minor attends if the minor is admitted to home detention.~~

~~_____~~ (2) ~~A notification under this section is provided for a minor's supervision and student safety.~~

~~_____~~ (3) (a) ~~If a minor is taken into temporary custody under Section 80-6-201 for a violent~~

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~~felony or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the peace officer, or other person who has taken the minor into temporary custody, shall notify a school official within [five days] 48 hours after the day on which the minor is taken into temporary custody.~~

~~—— (b) A notification under this Subsection (3) shall only disclose:~~

~~—— (i) the minor's name [of the minor];~~

~~—— (ii) the offense for which the minor was taken into temporary custody or admitted to detention; and~~

~~—— (iii) if available, the victim's name [of the victim], or the victim's sibling's name, if the victim or the victim's sibling resides in the same school district as the minor or attends the same school as the minor.~~

~~—— (4) After a detention hearing for a minor who is alleged to have committed a violent felony, or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the juvenile court shall order a juvenile probation officer to notify a school official, or a transferee school official, and the appropriate local law enforcement agency of the juvenile court's decision, including any disposition, order, or no-contact order.~~

~~—— (5) If a designated staff member of a detention facility admits a minor to home detention under Section 80-6-205 and notifies the juvenile court of that admission, the juvenile court shall order a juvenile probation officer to notify a school official, or a transferee school official, and the appropriate local law enforcement agency that the minor has been admitted to home detention.~~

~~—— (6) (a) If the juvenile court adjudicates a minor for [an offense of violence] violent offense or an offense in violation of Title 76, Chapter 10, Part 5, Weapons, the juvenile court shall order a juvenile probation officer to notify a school official, or a transferee school official, and the appropriate local law enforcement agency of the adjudication.~~

~~—— (b) A notification under this Subsection (6) shall be given to a school official, or a transferee school official, and the appropriate local law enforcement agency within three days after the day on which the minor is adjudicated.~~

~~—— (c) A notification under this section shall include:~~

~~—— (i) the minor's name [of the minor];~~

~~—— (ii) the offense for which the minor was adjudicated; and~~

~~—— (iii) if available, the victim's name [of the victim], or the victim's sibling's name, if the~~

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~~victim[(A)] or the victim's sibling resides in the same school district as the minor[; or (B)] or attends the same school as the minor:~~

~~—— (7) If the juvenile court orders probation under Section 80-6-702, the juvenile court shall order a juvenile probation officer to notify the school official, or the transferee school official, and the appropriate local law enforcement agency [and the school official] of the juvenile court's order for probation:~~

~~—— (8) (a) An employee of the local law enforcement agency, or the school the minor attends, who discloses a notification under this section is not:~~

~~—— (i) civilly liable except when the disclosure constitutes fraud or willful misconduct as provided in Section 63G-7-202; and~~

~~—— (ii) civilly or criminally liable except when the disclosure constitutes a knowing violation of Section 63G-2-801.~~

~~—— (b) [An employee of a] A governmental agency employee is immune from any criminal liability for failing to provide the information required by this section, unless the employee fails to act due to malice, gross negligence, or deliberate indifference to the consequences:~~

~~—— (9) (a) A notification under this section shall be classified as a protected record under Section 63G-2-305.~~

~~—— (b) All other records of disclosures under this section are governed by Title 63G, Chapter 2, Government Records Access and Management Act, and the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.~~

~~—— Section 26. Section **80-6-104** is amended to read:~~

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

(1) As used in this section:

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

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

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

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

(2) Before July 1 of each year, the Administrative Office of the Courts shall submit the following data to the State Commission on Criminal and Juvenile Justice, broken down by

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judicial district, for the preceding calendar year:

- (a) the number of referrals to the juvenile court;
 - (b) the number of minors diverted to a nonjudicial adjustment;
 - (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;
 - (d) the number of minors for whom a petition for an offense is filed in the juvenile court;
 - (e) the number of minors for whom an information is filed in the juvenile court;
 - (f) the number of minors bound over to the district court by the juvenile court;
 - (g) the number of petitions for offenses committed by minors that were dismissed by the juvenile court;
 - (h) the number of adjudications in the juvenile court for offenses committed by minors;
 - (i) the number of guilty pleas entered into by minors in the juvenile court;
 - (j) the number of dispositions resulting in secure care, community-based placement, formal probation, and intake probation; and
 - (k) for each minor charged in the juvenile court with a firearm-related offense:
 - (i) the minor's age at the time the offense was committed or allegedly committed;
 - (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
 - (iii) whether the minor is a restricted person under Subsection 76-10-503(1)(a)(iv) or (1)(b)(iii);
 - (iv) the type of offense for which the minor is charged;
 - (v) the outcome of the minor's case in juvenile court, including whether the minor was bound over to the district court or adjudicated by the juvenile court; and
 - (vi) if a disposition was entered by the juvenile court, whether the disposition resulted in secure care, community-based placement, formal probation, or intake probation.
- (3) The State Commission on Criminal and Juvenile Justice shall track the disposition of a case resulting from a firearm-related offense committed, or allegedly committed, by a minor when the minor is found in possession of a firearm while school is in session or during a school-sponsored activity.
- (4) In collaboration with the Administrative Office of the Courts, the division, and other agencies, the State Commission on Criminal and Juvenile Justice shall collect data for the preceding calendar year on:

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

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

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

(d) dosages of programming.

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

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

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

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

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

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

Section ~~{27}~~26. **Effective date.**

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

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

(b) ~~++~~ The actions affecting Section 63I-1-253 (Contingently Effective 01/01/25) contingently take effect on January 1, 2025.