

Representative Jordan D. Teuscher proposes the following substitute bill:

**PUBLIC EDUCATOR CURRICULUM TRANSPARENCY
REQUIREMENTS**

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts transparency and notice requirements for local education agencies and schools regarding curricula, class syllabi, and associated learning materials used for student instruction.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires local school boards and charter school governing boards to formally adopt curricula used within the local education agency;
- ▶ requires class syllabi to be made available and updated online including a description of associated learning materials used for student instruction;
- ▶ requires schools to make learning materials available for parent inspection at schools; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53G-4-402**, as last amended by Laws of Utah 2021, Chapters 84, 262, 324, and 345

30 **53G-5-404**, as last amended by Laws of Utah 2021, Chapter 324

31 ENACTS:

32 **53G-10-103**, Utah Code Annotated 1953



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

35 Section 1. Section **53G-4-402** is amended to read:

36 **53G-4-402. Powers and duties generally.**

37 (1) A local school board shall:

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

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

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

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

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

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

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

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

56 (g) implement training programs for school administrators, including basic

57 management training, best practices in instructional methods, budget training, staff
58 management, managing for learning results and continuous improvement, and how to help
59 every child achieve optimal learning in basic academic subjects; and

60 (h) ensure that the local school board meets the data collection and reporting standards
61 described in Section 53E-3-501.

62 (2) Local school boards shall spend Minimum School Program funds for programs and
63 activities for which the state board has established minimum standards or rules under Section
64 53E-3-501.

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

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

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

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

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

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

75 (iii) be filed with the state board.

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

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

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

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

84 (9) A local school board may authorize guidance and counseling services for children
85 and their parents before, during, or following enrollment of the children in schools.

86 (10) (a) A local school board shall administer and implement federal educational
87 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National

88 Education Programs.

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

91 (11) (a) A local school board may organize school safety patrols and adopt policies
92 under which the patrols promote student safety.

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

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

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

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

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

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

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

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

109 (14) A local school board shall adopt bylaws and policies for the local school board's
110 own procedures.

111 (15) (a) A local school board shall make and enforce policies necessary for the control
112 and management of the district schools.

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

115 (16) A local school board may hold school on legal holidays other than Sundays.

116 (17) (a) A local school board shall establish for each school year a school traffic safety
117 committee to implement this Subsection (17).

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

- 119 (i) the schools within the district;
- 120 (ii) the Parent Teachers' Association of the schools within the district;
- 121 (iii) the municipality or county;
- 122 (iv) state or local law enforcement; and
- 123 (v) state or local traffic safety engineering.
- 124 (c) The committee shall:
 - 125 (i) receive suggestions from school community councils, parents, teachers, and others
 - 126 and recommend school traffic safety improvements, boundary changes to enhance safety, and
 - 127 school traffic safety program measures;
 - 128 (ii) review and submit annually to the Department of Transportation and affected
 - 129 municipalities and counties a child access routing plan for each elementary, middle, and junior
 - 130 high school within the district;
 - 131 (iii) consult the Utah Safety Council and the Division of Family Health Services and
 - 132 provide training to all school children in kindergarten through grade 6, within the district, on
 - 133 school crossing safety and use; and
 - 134 (iv) help ensure the district's compliance with rules made by the Department of
 - 135 Transportation under Section [41-6a-303](#).
- 136 (d) The committee may establish subcommittees as needed to assist in accomplishing
- 137 the committee's duties under Subsection (17)(c).
- 138 (18) (a) A local school board shall adopt and implement a comprehensive emergency
- 139 response plan to prevent and combat violence in the local school board's public schools, on
- 140 school grounds, on its school vehicles, and in connection with school-related activities or
- 141 events.
 - 142 (b) The plan shall:
 - 143 (i) include prevention, intervention, and response components;
 - 144 (ii) be consistent with the student conduct and discipline policies required for school
 - 145 districts under Chapter 11, Part 2, Miscellaneous Requirements;
 - 146 (iii) require professional learning for all district and school building staff on what their
 - 147 roles are in the emergency response plan;
 - 148 (iv) provide for coordination with local law enforcement and other public safety
 - 149 representatives in preventing, intervening, and responding to violence in the areas and activities

150 referred to in Subsection (18)(a); and

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

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

154 (B) excused from school for a period of time during the regular school day to
155 participate in religious instruction at the request of the student's parent.

156 (c) The state board, through the state superintendent, shall develop comprehensive
157 emergency response plan models that local school boards may use, where appropriate, to
158 comply with Subsection (18)(a).

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

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

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

167 (c) The plan may:

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

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

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

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

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

176 (d) The local school board, in collaboration with the schools referred to in Subsection
177 (19)(b), may review the plan each year and make revisions when required to improve or
178 enhance the plan.

179 (e) The state board, through the state superintendent, shall provide local school boards
180 with an emergency plan response model that local school boards may use to comply with the

181 requirements of this Subsection (19).

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

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

186 (i) at least 120 days before approving the school closure or school boundary change,
187 provide notice to the following that the local school board is considering the closure or
188 boundary change:

189 (A) parents of students enrolled in the school, using the same form of communication
190 the local school board regularly uses to communicate with parents;

191 (B) parents of students enrolled in other schools within the school district that may be
192 affected by the closure or boundary change, using the same form of communication the local
193 school board regularly uses to communicate with parents; and

194 (C) the governing council and the mayor of the municipality in which the school is
195 located;

196 (ii) provide an opportunity for public comment on the proposed school closure or
197 school boundary change during at least two public local school board meetings; and

198 (iii) hold a public hearing as defined in Section 10-9a-103 and provide public notice of
199 the public hearing as described in Subsection (21)(b).

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

201 (i) indicate the:

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

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

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

205 (A) published[~~:-(†)~~] in a newspaper of general circulation in the area[;] and [(†)] on the
206 Utah Public Notice Website created in Section 63A-16-601; and

207 (B) posted in at least three public locations within the municipality in which the school
208 is located on the school district's official website, and prominently at the school; and

209 (iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be
210 provided as described in Subsections (21)(a)(i)(A), (B), and (C).

211 (22) A local school board may implement a facility energy efficiency program

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

213 (23) A local school board may establish or partner with a certified youth court in
214 accordance with Section 80-6-902 or establish or partner with a comparable restorative justice
215 program, in coordination with schools in that district. A school may refer a student to a youth
216 court or a comparable restorative justice program in accordance with Section 53G-8-211.

217 (24) A local school board shall:

218 (a) adopt curricula to be used within the school district; and

219 (b) in accordance with Section 53G-10-103:

220 [~~(a)~~] (i) make curriculum that the school district uses readily accessible and available
221 for a parent to view;

222 [~~(b)~~] (ii) annually notify a parent of a student enrolled in the school district of how to
223 access the information described in Subsection (24)(a)(i); and

224 [~~(c)~~] (iii) include on the school district's website information about how to access the
225 information described in Subsection (24)(a).

226 Section 2. Section 53G-5-404 is amended to read:

227 **53G-5-404. Requirements for charter schools.**

228 (1) A charter school shall be nonsectarian in its programs, admission policies,
229 employment practices, and operations.

230 (2) A charter school may not charge tuition or fees, except those fees normally charged
231 by other public schools.

232 (3) A charter school shall meet all applicable federal, state, and local health, safety, and
233 civil rights requirements.

234 (4) (a) A charter school shall:

235 (i) make the same annual reports required of other public schools under this public
236 education code, including an annual financial audit report described in Section 53G-4-404;

237 (ii) ensure that the charter school meets the data and reporting standards described in
238 Section 53E-3-501; and

239 (iii) use fund and program accounting methods and standardized account codes capable
240 of producing financial reports that comply with:

241 (A) generally accepted accounting principles;

242 (B) the financial reporting requirements applicable to LEAs established by the state

243 board under Section 53E-3-501; and

244 (C) accounting report standards established by the state auditor as described in Section
245 51-2a-301.

246 (b) Before, and as a condition for opening a charter school:

247 (i) a charter school shall:

248 (A) certify to the authorizer that the charter school's accounting methods meet the
249 requirements described in Subsection (4)(a)(iii); or

250 (B) if the authorizer requires, conduct a performance demonstration to verify that the
251 charter school's accounting methods meet the requirements described in Subsection (4)(a)(iii);
252 and

253 (ii) the authorizer shall certify to the state board that the charter school's accounting
254 methods meet the requirements described in Subsection (4)(a)(iii).

255 (c) A charter school shall file the charter school's annual financial audit report with the
256 Office of the State Auditor within six months of the end of the fiscal year.

257 (d) For the limited purpose of compliance with federal and state law governing use of
258 public education funds, including restricted funds, and making annual financial audit reports
259 under this section, a charter school is a government entity governed by the public education
260 code.

261 (5) (a) A charter school shall be accountable to the charter school's authorizer for
262 performance as provided in the school's charter agreement.

263 (b) To measure the performance of a charter school, an authorizer may use data
264 contained in:

265 (i) the charter school's annual financial audit report;

266 (ii) a report submitted by the charter school as required by statute; or

267 (iii) a report submitted by the charter school as required by its charter agreement.

268 (c) A charter school authorizer may not impose performance standards, except as
269 permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully
270 accomplish the purposes of charter schools as provided in Section 53G-5-104 or as otherwise
271 provided in law.

272 (6) A charter school may not advocate unlawful behavior.

273 (7) Except as provided in Section 53G-5-305, a charter school shall be organized and

274 managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, after its
275 authorization.

276 (8) A charter school shall provide adequate liability and other appropriate insurance,
277 including:

278 (a) general liability, errors and omissions, and directors and officers liability coverage
279 through completion of the closure of a charter school under Section 53G-5-504; and

280 (b) tail coverage or closeout insurance covering at least one year after closure of the
281 charter school.

282 (9) Beginning on July 1, 2014, a charter school, including a charter school that has not
283 yet opened, shall submit any lease, lease-purchase agreement, or other contract or agreement
284 relating to the charter school's facilities or financing of the charter school's facilities to the
285 school's authorizer and an attorney for review and advice before the charter school enters the
286 lease, agreement, or contract.

287 (10) A charter school may not employ an educator whose license is suspended or
288 revoked by the state board under Section 53E-6-604.

289 (11) (a) Each charter school shall register and maintain the charter school's registration
290 as a limited purpose entity, in accordance with Section 67-1a-15.

291 (b) A charter school that fails to comply with Subsection (11)(a) or Section 67-1a-15 is
292 subject to enforcement by the state auditor, in accordance with Section 67-3-1.

293 (c) If a charter school is an operating charter school with affiliated satellite charter
294 schools, as defined in Section 53G-5-303:

295 (i) the operating charter school shall register as a limited purpose entity as defined in
296 Section 67-1a-15;

297 (ii) each affiliated satellite charter school is not required to register separately from the
298 operating charter school; and

299 (iii) the operating charter school shall:

300 (A) register on behalf of each affiliated satellite charter school; and

301 (B) when submitting entity registry information under Section 67-1a-15 on behalf of
302 each affiliated satellite charter school, identify and distinguish registry information for each
303 affiliated satellite, including the address of each affiliated satellite charter school and the name
304 and contact information of a primary contact for each affiliated satellite charter school.

305 (12) (a) As used in this Subsection (12), "contracting entity" means a person with
306 which a charter school contracts.

307 (b) A charter school shall provide to the charter school's authorizer any information or
308 documents requested by the authorizer, including documents held by a subsidiary of the charter
309 school or a contracting entity:

310 (i) to confirm the charter school's compliance with state or federal law governing the
311 charter school's finances or governance; or

312 (ii) to carry out the authorizer's statutory obligations, including liquidation and
313 assignment of assets, and payment of debt in accordance with state board rule, as described in
314 Section [53G-5-504](#).

315 (c) A charter school shall comply with a request described in Subsection (12)(b),
316 including after an authorizer recommends closure of the charter school or terminates the charter
317 school's contract.

318 (d) Documents held by a contracting entity or subsidiary of a charter school that are
319 necessary to demonstrate the charter school's compliance with state or federal law are the
320 property of the charter school.

321 (e) A charter school shall include in an agreement with a subsidiary of the charter
322 school or a contracting entity a provision that stipulates that documents held by the subsidiary
323 or a contracting entity, that are necessary to demonstrate the charter school's financial
324 compliance with federal or state law, are the property of the charter school.

325 (13) For each grading period and for each course in which a student is enrolled, a
326 charter school shall issue a grade or performance report to the student:

327 (a) that reflects the student's work, including the student's progress based on mastery,
328 for the grading period; and

329 (b) in accordance with the charter school's adopted grading or performance standards
330 and criteria.

331 (14) A charter school shall:

332 (a) adopt curricula to be used within the charter school; and

333 (b) in accordance with Section [53G-10-103](#);

334 [~~(a)~~] (i) make curriculum that the charter school uses readily accessible and available
335 for a parent to view;

336 ~~[(b)]~~ (ii) annually notify a parent of a student enrolled in the charter school of how to
337 access the ~~[information described in Subsection (14)(a)]~~ curriculum; and

338 ~~[(c)]~~ (iii) include on the charter school's website information about how to access the
339 ~~[information described in Subsection (14)(a)]~~ curriculum.

340 Section 3. Section **53G-10-103** is enacted to read:

341 **53G-10-103. Syllabus transparency -- Learning material availability -- Cause of**
342 **action.**

343 (1) As used in this section:

344 (a) (i) "Activity" means an assembly, guest lecture, or an event that an individual or
345 organization separate from the LEA or school conducts.

346 (ii) "Activity" does not include a student presentation.

347 (b) (i) "Learning materials" means materials or resource, except original materials, that
348 deliver or support a student's learning.

349 (ii) "Learning materials" includes textbooks, reading materials, videos, an activity,
350 digital materials, websites, and other online applications.

351 (iii) "Learning materials" does not include original materials.

352 (c) "Original materials" means learning materials that are:

353 (i) owned or created by a school district, a school, faculty, or staff; and

354 (ii) used for student instruction.

355 (d) (i) "Syllabus" means a syllabus for a middle, junior, or high school course that
356 outlines a calendar of general topics, outlines the course curriculum, and includes any core
357 learning materials the course will use throughout the duration of the course.

358 (ii) "Syllabus" does not mean a complete itemization of every lesson and any learning
359 material that will be delivered through the course throughout the duration of the course.

360 (e) "Used for student instruction" means that learning materials are assigned,
361 distributed, or otherwise presented to students, regardless of whether a student is allowed to
362 select from one or more materials if the available selection is restricted to specific materials:

363 (i) in any course for which students receive academic credit;

364 (ii) in any education capacity in which:

365 (A) the LEA or school requires the participation of the student body; or

366 (B) the majority of students in a given grade level participate.

367 (2) (a) An educator shall, before the beginning of the school year, prepare and submit
368 for approval under Subsection (2)(b) a syllabus for each course the educator teaches in middle,
369 junior, and high school.

370 (b) A school administrator shall:

371 (i) before the beginning of the school year, review and consider for approval each
372 middle, junior, and high school course syllabus; and

373 (ii) ensure that each syllabus approved under Subsection (2)(b):

374 (A) is available on the school's public website, organized by school, grade, teacher, and
375 subject, before the first instance of instruction in the relevant class; and

376 (B) remains displayed on the school website for at least two school years.

377 (c) To promote transparency and parent involvement, an educator shall:

378 (i) provide updates in a school's learning management system to ensure that a student
379 or parent knows the general topics discussed in class; and

380 (ii) ensure that any learning materials used for student instruction that the educator did
381 not list on the online syllabus are listed in the school's learning management system.

382 (3) (a) To the extent practicable, each school shall:

383 (i) make available for public inspection by a parent of a student in a class all learning
384 materials used for student instruction in the class, including original materials that are not
385 available to a parent on the school's learning management system; and

386 (ii) allow a parent of a student in a class to copy, scan, duplicate, or photograph
387 learning materials used for student instruction in the class, including original materials, within
388 the limits of fair use under copyright law.

389 (b) Nothing in this section requires the digital reproduction or posting of copies of
390 copyrighted learning materials.

391 (c) If a learning material that is used for student instruction is publicly available, a
392 school or LEA shall ensure that the learning material is listed on the school's learning
393 management system.

394 **Section 4. Effective date.**

395 This bill takes effect July 1, 2022.