

Matt MacPherson proposes the following substitute bill:

Public Education Information System

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill modifies provisions related to student information systems for local education agencies.

Highlighted Provisions:

This bill:

- establishes data compliance requirements for local education agency student information systems;
- requires local education agencies to meet state board data standards and interoperability requirements;
- requires student information systems to capture school safety and threat assessment data;
- authorizes the state board to provide technical assistance and vendor certification;
- establishes enforcement provisions for noncompliance;
- requires audits of certain local education agencies;
- establishes implementation timelines; and
- makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-3-518, as last amended by Laws of Utah 2024, Chapters 21, 24

53E-9-303, as last amended by Laws of Utah 2019, Chapter 186

53E-9-308, as last amended by Laws of Utah 2023, Chapters 328, 381

53F-2-205, as last amended by Laws of Utah 2023, Chapter 7

29 **53F-2-311**, as last amended by Laws of Utah 2025, Chapter 165
 30 **53G-4-402**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16
 31 **53G-5-404**, as last amended by Laws of Utah 2025, Chapter 501

32 ENACTS:

33 **53E-3-527**, Utah Code Annotated 1953

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

36 Section 1. Section **53E-3-518** is amended to read:

37 **53E-3-518 . Utah school information management system -- Local education**
 38 **agency requirements.**

39 (1) As used in this section:

40 (a) "LEA data system" or "LEA's data system" means a data system that:

41 (i) is developed, selected, or relied upon by an LEA; and

42 (ii) the LEA uses to collect data or submit data to the state board related to:

43 (A) student information;

44 (B) educator information;

45 (C) financial information; or

46 (D) other information requested by the state board.

47 (b) "LEA financial information system" or "LEA's financial information system" means
 48 an LEA data system used for financial information.

49 (c) "Parent" means the same as that term is defined in Section 53G-6-201.

50 (d) "Utah school information management system" or "information management
 51 system" means the state board's data collection and reporting system described in this
 52 section.

53 (e) "User" means an individual who has authorized access to the information
 54 management system.

55 (2) ~~[On or before July 1, 2024, the]~~ The state board shall have in place an information
 56 management system that meets the requirements described in this section.

57 (3) The state board shall ensure that the information management system:

58 (a) interfaces with:

59 (i) an LEA's data systems that meet the requirements described in Subsection (7);

60 (ii) where appropriate, the systems described in Subsections 53-10-302(7) and (8);

61 and

62 (iii) the public safety portal described in Section 63A-16-1002;~~[-and]~~

- 63 (b) serves as the mechanism for the state board to collect and report on all data that
64 LEAs submit to the state board related to:
- 65 (i) student information;
 - 66 (ii) educator information;
 - 67 (iii) financial information; and
 - 68 (iv) other information requested by the state board;
- 69 (c) includes a web-based user interface through which a user may:
- 70 (i) enter data;
 - 71 (ii) view data; and
 - 72 (iii) generate customizable reports;
- 73 (d) includes a data warehouse and other hardware or software necessary to store or
74 process data submitted by an LEA;
- 75 (e) provides for data privacy, including by complying with Chapter 9, Student Privacy
76 and Data Protection;
- 77 (f) restricts user access based on each user's role; and
- 78 (g) meets requirements related to a student achievement backpack described in Section
79 53E-3-511.
- 80 (4) [~~On or before January 31, 2026, the~~] The state board shall:
- 81 (a) ensure the information management system described in this section allows for the
82 transfer of a student's transcript, current IEP, or Section 504 accommodation plan,
83 including the tracking of necessary accommodations and services between:
 - 84 (i) different LEA student information systems; and
 - 85 (ii) an authorized online course provider and a primary LEA; and
 - 86 (b) ensure the transfer capability described in Subsection (4)(a) is available for the same
87 use within the operating system the state board uses for the Statewide Online
88 Education Program described in Title 53F, Chapter 4, Part 5, Statewide Online
89 Education Program.
- 90 (5) The state board shall establish the restrictions on user access described in Subsection
91 (3)(f).
- 92 (6)(a) The state board shall make rules that establish the required capabilities for an LEA
93 financial information system.
- 94 (b) In establishing the required capabilities for an LEA financial information system, the
95 state board shall consider metrics and capabilities requested by the state treasurer or
96 state auditor.

- 97 (7)(a) [~~On or before July 1, 2024, an~~] An LEA shall ensure that:
- 98 (i) all of the LEA's data systems:
- 99 (A) meet the data standards established by the state board in accordance with
- 100 Section 53E-3-501;
- 101 (B) are fully compatible with the state board's information management system;
- 102 and
- 103 (C) meet specification standards determined by the state board; and
- 104 (ii) the LEA's financial information system meets the requirements described in
- 105 Subsection (6).
- 106 (b) An LEA shall ensure that an LEA data system purchased or developed on or after
- 107 May 14, 2019, will be compatible with the information management system when the
- 108 information management system is fully operational.
- 109 (8)(a) Subject to appropriations and Subsection (8)(b), the state board may use an
- 110 appropriation under this section to help an LEA meet the requirements in the rules
- 111 described in Subsection (6) by:
- 112 (i) providing to the LEA funding for implementation and sustainment of the LEA
- 113 financial information system, either through:
- 114 (A) awarding a grant to the LEA; or
- 115 (B) providing a reimbursement to the LEA; or
- 116 (ii) in accordance with Title 63G, Chapter 6a, Utah Procurement Code, procuring a
- 117 financial information system on behalf of an LEA for the LEA to use as the LEA's
- 118 financial information system.
- 119 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 120 state board shall make rules describing:
- 121 (i) how an LEA may apply to the state board for the assistance described in
- 122 Subsection (8)(a); and
- 123 (ii) criteria for the state board to provide the assistance to an LEA.
- 124 (9)(a) [~~Beginning July 1, 2024, the~~] The state board may take action against an LEA that
- 125 is out of compliance with a requirement described in Subsection (7) until the LEA
- 126 complies with the requirement.
- 127 (b) An action described in Subsection (9)(a) may include the state board withholding
- 128 funds from the LEA.
- 129 (10)(a) For purposes of this Subsection (10), "education record" means the same as that
- 130 term is defined in 20 U.S.C. Sec. 1232g.

- 131 (b) The state board shall, by rule made in accordance with Title 63G, Chapter 3, Utah
 132 Administrative Rulemaking Act, establish a procedure under which:
- 133 (i) a parent may submit information as part of the education records for the parent's
 134 student;
- 135 (ii) the information submitted by the parent is maintained as part of the education
 136 records for the parent's student;
- 137 (iii) information submitted by the parent and maintained as part of the education
 138 records for the parent's student may be removed at the request of the parent; and
- 139 (iv) a parent has access only to the education records of the parent's student in
 140 accordance with Subsection (10)(d).
- 141 (c) The rules made under this Subsection (10) shall allow a parent to submit or remove
 142 information submitted by the parent under this Subsection (10) at least annually,
 143 including at the time of:
- 144 (i) registering a student in a school; or
- 145 (ii) changing the school in which a student attends.
- 146 (d) Subject to the federal Family [Education] Educational Rights and Privacy Act, 20
 147 U.S.C. Sec. 1232g, and related regulations, the state board shall provide a parent
 148 access to an education record concerning the parent's student.
- 149 (e) The state board shall create in the information management system a record tracking
 150 interoperability of education records described in this Subsection (10) when a student
 151 is transitioning between schools or between LEAs.
- 152 (11) Beginning July 1, 2031, an LEA requirement to submit data under this section is
 153 satisfied through the LEA's use of a student information system that meets the
 154 compliance requirements established under Section 53E-3-527.
- 155 Section 2. Section **53E-3-527** is enacted to read:
- 156 **53E-3-527 . Student information system compliance requirements -- Vendor**
 157 **certification -- Enforcement -- Audits.**
- 158 (1) As used in this section:
- 159 (a) "Certified vendor" means a vendor of student information systems that the state
 160 board certifies as meeting the compliance requirements described in this section.
- 161 (b) "Compliance requirements" means the technical, functional, and data standards that
 162 the state board establishes under this section for student information systems.
- 163 (c) "Integration standards" means the technical requirements that the state board
 164 establishes to allow student information systems to interface with state board systems.

- 165 (d) "LEA head" means:
166 (i) for a school district, the superintendent of the school district; or
167 (ii) for a charter school, the director of the charter school.
- 168 (e) "School safety data" means data related to school safety incidents, threat
169 assessments, and student behavioral concerns as described in Subsection (5).
- 170 (f) "Student data" means the same as that term is defined in Section 53E-9-301.
- 171 (g) "USIMS compliant" means meeting all data transmission requirements that the Utah
172 Student Information Management System establishes.
- 173 (2)(a) Beginning July 1, 2031, each LEA shall use a student information system that
174 meets all compliance requirements established under this section for all student data
175 collection, management, and reporting functions that state or federal law requires.
- 176 (b) An LEA that uses a student information system that meets the compliance
177 requirements under this section:
- 178 (i) shall ensure that all student data in the system reconciles with and matches the
179 data standards established by the state board in accordance with Section
180 53E-3-501;
- 181 (ii) is responsible for all costs associated with maintaining, integrating, and ensuring
182 compliance of the system;
- 183 (iii) is responsible for ensuring that the system interfaces properly with state board
184 systems; and
- 185 (iv) is responsible for all data reconciliation and data quality assurance for the system.
- 186 (c) The state board is not responsible for cleaning, reconciling, or correcting data from
187 an LEA's student information system.
- 188 (3) The state board shall establish and maintain compliance requirements that define:
- 189 (a) required data elements and formats consistent with Section 53E-3-501;
190 (b) integration standards for interfacing with state board systems;
191 (c) synchronization frequency and methods;
192 (d) error handling procedures;
193 (e) data consistency and integrity requirements;
194 (f) privacy and security requirements consistent with Chapter 9, Student Privacy and
195 Data Protection;
196 (g) school safety data collection and reporting requirements as described in Subsection
197 (5); and
198 (h) interoperability standards for data exchange between LEAs and with authorized

- 199 entities.
- 200 (4) A student information system that meets compliance requirements under this section
- 201 shall:
- 202 (a) maintain all student demographic, enrollment, and academic records;
- 203 (b) track attendance, grades, and course completion;
- 204 (c) generate all reports that state and federal law requires;
- 205 (d) support scheduling and course management;
- 206 (e) provide transcript generation and electronic transfer capabilities;
- 207 (f) enable seamless student transfers between LEAs without manual data entry;
- 208 (g) maintain historical data for longitudinal analysis;
- 209 (h) be fully USIMS compliant;
- 210 (i) provide real-time data synchronization with state board systems;
- 211 (j) support automated data validation and error checking;
- 212 (k) enable role-based access controls;
- 213 (l) maintain an audit log of all data changes;
- 214 (m) support data exports in standard formats;
- 215 (n) provide application programming interfaces for approved third-party integrations;
- 216 (o) include online student registration capabilities;
- 217 (p) provide parent and guardian portal access;
- 218 (q) include digital consent form management;
- 219 (r) ensure mobile device compatibility;
- 220 (s) provide multi-language support;
- 221 (t) capture and maintain school safety data as described in Subsection (5);
- 222 (u) integrate with:
- 223 (i) special education IEP management systems;
- 224 (ii) student health information systems;
- 225 (iii) school safety and student behavior tracking systems;
- 226 (iv) learning management systems;
- 227 (v) assessment platforms;
- 228 (vi) early warning and intervention systems;
- 229 (vii) transportation management systems;
- 230 (viii) food service systems;
- 231 (ix) financial management systems; and
- 232 (x) eliminate the need for manual data transmission for state and federal reporting.

- 233 (5)(a) Beginning July 1, 2031, each LEA's student information system shall capture and
234 maintain school safety data, including:
- 235 (i) school safety incident reports, including:
- 236 (A) the date, time, and location of incidents;
- 237 (B) the nature and severity of incidents;
- 238 (C) individuals involved in incidents;
- 239 (D) interventions provided; and
- 240 (E) outcomes and resolutions;
- 241 (ii) student behavioral threat assessments, including:
- 242 (A) threat assessment referrals and screening results;
- 243 (B) comprehensive threat assessment findings;
- 244 (C) risk levels and classifications;
- 245 (D) safety planning and interventions implemented; and
- 246 (E) monitoring and follow-up documentation; and
- 247 (iii) threat assessment team documentation, including:
- 248 (A) threat assessment team composition and member qualifications;
- 249 (B) threat assessment protocols and procedures followed;
- 250 (C) case management and disposition records; and
- 251 (D) coordination with law enforcement and other agencies.
- 252 (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
253 Administrative Rulemaking Act, establishing:
- 254 (i) standardized definitions and classifications for school safety data;
- 255 (ii) data collection and reporting requirements;
- 256 (iii) privacy protections and access controls for school safety data;
- 257 (iv) data sharing protocols with law enforcement and other authorized entities; and
- 258 (v) integration requirements with the public safety portal described in Section
259 63A-16-1002.
- 260 (c) School safety data collected under this Subsection (5) shall:
- 261 (i) comply with all applicable privacy laws and regulations;
- 262 (ii) be accessible only to authorized personnel with legitimate educational or safety
263 interests;
- 264 (iii) be maintained securely with appropriate access controls and audit logging; and
- 265 (iv) be used only for purposes of maintaining school safety, providing appropriate
266 interventions and support to students, and meeting legal reporting requirements.

- 267 (6)(a) The state board shall establish a voluntary vendor certification program for
268 student information system vendors.
- 269 (b) To become a certified vendor, a vendor shall:
- 270 (i) submit an application to the state board demonstrating that the vendor's student
271 information system meets all compliance requirements established under this
272 section;
- 273 (ii) undergo technical review and testing by the state board or the state board's
274 designee;
- 275 (iii) demonstrate successful integration with state board systems;
- 276 (iv) provide documentation of data security measures and privacy protections;
- 277 (v) agree to maintain compliance with all requirements and to notify the state board
278 of any material changes to the system that may affect compliance; and
- 279 (vi) pay any applicable certification fees established by the state board.
- 280 (c) The state board shall:
- 281 (i) maintain and publish a list of certified vendors on the state board's website;
- 282 (ii) establish procedures for annual recertification of vendors;
- 283 (iii) establish procedures for revoking certification if a vendor fails to maintain
284 compliance; and
- 285 (iv) provide technical specifications and testing protocols to assist vendors in
286 achieving certification.
- 287 (d) The state board may charge reasonable fees to vendors seeking certification to cover
288 the costs of the certification program.
- 289 (e) Vendor certification under this Subsection (6) does not constitute an endorsement by
290 the state board of any particular vendor or product, and LEAs retain full discretion in
291 selecting student information systems.
- 292 (7)(a) The state board may provide technical assistance to LEAs, including:
- 293 (i) guidance on selecting student information systems that meet compliance
294 requirements;
- 295 (ii) assistance with system implementation and integration;
- 296 (iii) training on data standards and reporting requirements;
- 297 (iv) support for data migration and system transitions; and
- 298 (v) resources and best practices for maintaining compliance.
- 299 (b) Subject to available appropriations, the state board may provide financial assistance
300 to LEAs for costs associated with achieving and maintaining compliance with this

- 301 section, including:
- 302 (i) system implementation costs;
- 303 (ii) data migration services;
- 304 (iii) training and technical support;
- 305 (iv) integration development; and
- 306 (v) ongoing compliance maintenance.
- 307 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 308 state board may make rules establishing:
- 309 (i) eligibility criteria for financial assistance;
- 310 (ii) application procedures;
- 311 (iii) funding priorities based on LEA need and capacity; and
- 312 (iv) accountability requirements for LEAs receiving assistance.
- 313 (8)(a) The state board shall establish a phased implementation schedule that:
- 314 (i) begins no earlier than July 1, 2028;
- 315 (ii) provides each LEA at least 24 months to achieve compliance with this section;
- 316 (iii) prioritizes voluntary early adopters;(iv) considers LEA size and technical
- 317 capacity; and
- 318 (iv) ensures full statewide compliance by July 1, 2031.
- 319 (b) An LEA contract for a student information system in effect on May 7, 2026, remains
- 320 valid until the earlier of:
- 321 (i) the contract's expiration date;
- 322 (ii) July 1, 2031; or
- 323 (iii) the day on which the LEA voluntarily transitions to a compliant system.
- 324 (c) An LEA may renew an existing contract for a student information system one time
- 325 after May 7, 2026, if:
- 326 (i) the renewal term does not extend beyond June 30, 2031;
- 327 (ii) the LEA notifies the state board of the renewal within 30 days after the day on
- 328 which the LEA renews the contract; and
- 329 (iii) the renewal is necessary to avoid disruption of operations.
- 330 (d) An LEA may request an implementation extension of up to 12 months if the LEA
- 331 demonstrates:
- 332 (i) extraordinary circumstances beyond the LEA's control;
- 333 (ii) a detailed transition plan with specific milestones;
- 334 (iii) commitment of necessary resources to meet the extended deadline; and

- 335 (iv) that denial of the extension would cause substantial disruption to the LEA's
336 educational programs.
- 337 (9)(a) Beginning August 1, 2031, if an LEA fails to comply with a requirement of this
338 section, the state board shall:
- 339 (i) provide written notice to the LEA describing the noncompliance; and
340 (ii) allow the LEA 90 days after the day on which the state board provides the notice
341 described in Subsection (9)(a)(i) to cure the noncompliance.
- 342 (b) If the LEA fails to cure the noncompliance within the time period described in
343 Subsection (9)(a)(ii), the state board shall:
- 344 (i) provide written notice to the LEA and the LEA head that the LEA head's
345 compensation shall be reduced by 10% until the noncompliance is cured; and
346 (ii) allow the LEA an additional 90 days after the day on which the state board
347 provides the notice described in Subsection (9)(b)(i) to cure the noncompliance.
- 348 (c) If the LEA fails to cure the noncompliance within the time period described in
349 Subsection (9)(b)(ii), the state board may:
- 350 (i) withhold state funding from the LEA in accordance with Section 53E-3-401 until
351 the LEA achieves compliance; and
352 (ii) require the LEA to develop and implement a corrective action plan within a
353 specified timeframe.
- 354 (d) The state board shall establish an appeals process for an LEA subject to an
355 enforcement action under this Subsection (9).
- 356 (10)(a) When conducting a risk assessment for an audit of an LEA, the Office of the
357 Legislative Auditor General may consider an LEA's compliance with this section as a
358 risk factor, including the LEA's compliance with:
- 359 (i) the data standards established by the state board in accordance with Section
360 53E-3-501;
361 (ii) the compliance requirements established under Subsection (3);
362 (iii) the integration standards established under Subsection (3)(b); and
363 (iv) all other requirements of this section.
- 364 (b) If the Office of the Legislative Auditor General includes a review of an LEA's
365 compliance with this section as part of an audit, the Office of the Legislative Auditor
366 General may report the results to the Education Interim Committee.
- 367 (11) A local school board or charter school governing board shall include in an employment
368 contract with an LEA head a provision that allows for the reduction of the LEA head's

- 369 compensation as required under Subsection (9)(b)(i).
- 370 (12) All data in an LEA's student information system remains the property of the respective
- 371 LEA.
- 372 (13) The state board may access LEA data only to:
- 373 (a) generate reports that state and federal law requires;
- 374 (b) provide technical support;
- 375 (c) ensure data quality and compliance;
- 376 (d) conduct authorized research and analysis;
- 377 (e) facilitate student transfers between LEAs; or
- 378 (f) perform functions specifically authorized by law.
- 379 (14) Student information systems that meet compliance requirements under this section
- 380 shall comply with all requirements of:
- 381 (a) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;
- 382 (b) Title 53E, Chapter 9, Student Privacy and Data Protection;
- 383 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 384 (d) all other applicable privacy laws and regulations.
- 385 (15) Upon request, the state board shall report to the Education Interim Committee on:
- 386 (a) implementation progress and LEA compliance status;
- 387 (b) effectiveness of the vendor certification program;
- 388 (c) costs and financial assistance provided to LEAs;
- 389 (d) improvements in data quality and timeliness;
- 390 (e) reduction in administrative burden at LEAs;
- 391 (f) system performance and interoperability;
- 392 (g) school safety data collection and utilization; and
- 393 (h) recommendations for improvements or statutory changes.
- 394 (16) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 395 state board may make rules to implement this section, including rules that:
- 396 (a) establish technical specifications for compliance requirements;
- 397 (b) define integration standards and testing protocols;
- 398 (c) create implementation timelines and procedures;
- 399 (d) establish vendor certification requirements and procedures;
- 400 (e) define school safety data elements and reporting requirements; and
- 401 (f) establish data governance policies.

402 Section 3. Section **53E-9-303** is amended to read:

403 **53E-9-303 . Local student data protection governance.**

- 404 (1) An LEA shall adopt policies to protect student data in accordance with this part and
 405 state board rule, taking into account the specific needs and priorities of the LEA.
- 406 (2)(a) An LEA shall designate an individual to act as a student data manager to fulfill the
 407 responsibilities of a student data manager described in Section 53E-9-308.
- 408 (b) If possible, an LEA shall designate the LEA's records officer as defined in Section
 409 63G-2-103, as the student data manager.
- 410 (3) An LEA shall create and maintain an LEA:
- 411 (a) data governance plan; and
- 412 (b) metadata dictionary.
- 413 (4) An LEA shall establish an external research review process for a request for data for the
 414 purpose of external research or evaluation.
- 415 (5) Beginning July 1, 2031, a student data manager designated under this section shall:
- 416 (a) ensure the LEA's compliance with data governance policies for student information
 417 systems that meet the compliance requirements established under Section 53E-3-527;
 418 and
- 419 (b) serve as the LEA's primary contact for student information system data management
 420 issues.

421 Section 4. Section **53E-9-308** is amended to read:

422 **53E-9-308 . Sharing student data -- Prohibition -- Requirements for student data**
 423 **manager -- Authorized student data sharing.**

- 424 (1)(a) Except as provided in Subsection (1)(b), an education entity, including a student
 425 data manager, may not:
- 426 (i) share personally identifiable student data without written consent; or
- 427 (ii) share student data with a federal agency.
- 428 (b) An education entity, including a student data manager, may share personally
 429 identifiable student data:
- 430 (i) in accordance with the Family Education Rights and Privacy Act and related
 431 provisions under 20 U.S.C. Secs. 1232g and 1232h;
- 432 (ii) as required by federal law; and
- 433 (iii) as described in Subsections (3), (5), and (6).
- 434 (2) A student data manager shall:
- 435 (a) authorize and manage the sharing, outside of the student data manager's education
 436 entity, of personally identifiable student data for the education entity as described in

- 437 this section;
- 438 (b) act as the primary local point of contact for the state student data officer described in
439 Section 53E-9-302;[~~and~~]
- 440 (c) fulfill other responsibilities described in the data governance plan of the student data
441 manager's education entity[:]; and
- 442 (d) beginning July 1, 2031, ensure proper use of student information systems that meet
443 the compliance requirements established under Section 53E-3-527 within the LEA.
- 444 (3) A student data manager may share a student's personally identifiable student data with a
445 caseworker or representative of the Department of Health and Human Services if:
- 446 (a) the Department of Health and Human Services is:
- 447 (i) legally responsible for the care and protection of the student, including the
448 responsibility to investigate a report of educational neglect, as provided in
449 Subsection 80-2-701(5); or
- 450 (ii) providing services to the student;
- 451 (b) the student's personally identifiable student data is not shared with a person who is
452 not authorized:
- 453 (i) to address the student's education needs; or
- 454 (ii) by the Department of Health and Human Services to receive the student's
455 personally identifiable student data; and
- 456 (c) the Department of Health and Human Services maintains and protects the student's
457 personally identifiable student data.
- 458 (4) The Department of Health and Human Services, a school official, or the Utah Juvenile
459 Court may share personally identifiable student data to improve education outcomes for
460 youth:
- 461 (a) in the custody of, or under the guardianship of, the Department of Health and Human
462 Services;
- 463 (b) receiving services from the Division of Juvenile Justice and Youth Services;
- 464 (c) in the custody of the Division of Child and Family Services;
- 465 (d) receiving services from the Division of Services for People with Disabilities; or
- 466 (e) under the jurisdiction of the Utah Juvenile Court.
- 467 (5)(a) A student data manager may share personally identifiable student data in response
468 to a subpoena issued by a court.
- 469 (b) A person who receives personally identifiable student data under Subsection (5)(a)
470 may not use the personally identifiable student data outside of the use described in

471 the subpoena.

472 (6)(a) A student data manager may share student data, including personally identifiable
473 student data, in response to a request to share student data for the purpose of research
474 or evaluation, if the student data manager:

- 475 (i) verifies that the request meets the requirements of 34 C.F.R. Sec. 99.31(a)(6);
- 476 (ii) submits the request to the education entity's research review process; and
- 477 (iii) fulfills the instructions that result from the review process.

478 (b)(i) In accordance with state and federal law, and subject to Subsection (6)(b)(ii),
479 the state board shall share student data, including personally identifiable student
480 data, as requested by the Utah Registry of Autism and Developmental Disabilities
481 described in Section 26B-7-115.

482 (ii)(A) At least 30 days before the state board shares student data in accordance
483 with Subsection (6)(b)(i), the education entity from which the state board
484 received the student data shall provide notice to the parent of each student for
485 which the state board intends to share student data.

486 (B) The state board may not, for a particular student, share student data as
487 described in Subsection (6)(b)(i) if the student's parent requests that the state
488 board not share the student data.

489 (iii) A person who receives student data under Subsection (6)(b)(i):

490 (A) shall maintain and protect the student data in accordance with state board rule
491 described in Section 53E-9-307;

492 (B) may not use the student data for a purpose not described in Section 26B-7-115;
493 and

494 (C) is subject to audit by the state student data officer described in Section
495 53E-9-302.

496 Section 5. Section **53F-2-205** is amended to read:

497 **53F-2-205 . Powers and duties of state board to adjust Minimum School**
498 **Program allocations -- Use of remaining funds at the end of a fiscal year.**

499 (1) As used in this section:

500 (a) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C.
501 Sec. 6301 et seq.

502 (b) "Program" means a program or allocation funded by a line item appropriation or
503 other appropriation designated as:

504 (i) Basic Program;

- 505 (ii) Related to Basic Programs;
- 506 (iii) Voted and Board Levy Programs; or
- 507 (iv) Minimum School Program.
- 508 (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units in a
- 509 program is underestimated, the state board shall reduce the value of the weighted pupil
- 510 unit in that program so that the total amount paid for the program does not exceed the
- 511 amount appropriated for the program.
- 512 (3) If the number of weighted pupil units in a program is overestimated, the state board
- 513 shall spend excess money appropriated for the following purposes giving priority to the
- 514 purpose described in Subsection (3)(a):
- 515 (a) to support the value of the weighted pupil unit in a program within the basic
- 516 state-supported school program in which the number of weighted pupil units is
- 517 underestimated;
- 518 (b) to support the state guaranteed local levy increments as defined in Section 53F-2-601,
- 519 if:
- 520 (i) local contributions to the voted local levy program or board local levy program are
- 521 overestimated; or
- 522 (ii) the number of weighted pupil units within school districts qualifying for a
- 523 guarantee is underestimated;
- 524 (c) to support the state supplement to local property taxes allocated to charter schools, if
- 525 the state supplement is less than the amount prescribed by Section 53F-2-704;
- 526 (d) to fund the cost of the salary supplements described in Section 53F-2-504; or
- 527 (e) to support a school district with a loss in student enrollment as provided in Section
- 528 53F-2-207.
- 529 (4) If local contributions from the minimum basic tax rate imposed under Section 53F-2-301
- 530 are overestimated, the state board shall reduce the value of the weighted pupil unit for all
- 531 programs within the basic state-supported school program so the total state contribution
- 532 to the basic state-supported school program does not exceed the amount of state funds
- 533 appropriated.
- 534 (5) If local contributions from the minimum basic tax rate imposed under Section 53F-2-301
- 535 are underestimated, the state board shall:
- 536 (a) spend the excess local contributions for the purposes specified in Subsection (3),
- 537 giving priority to supporting the value of the weighted pupil unit in programs within
- 538 the basic state-supported school program in which the number of weighted pupil

- 539 units is underestimated; and
- 540 (b) reduce the state contribution to the basic state-supported school program so the total
541 cost of the basic state-supported school program does not exceed the total state and
542 local funds appropriated to the basic state-supported school program plus the local
543 contributions necessary to support the value of the weighted pupil unit in programs
544 within the basic state-supported school program in which the number of weighted
545 pupil units is underestimated.
- 546 (6) Except as provided in Subsection (3) or (5), the state board shall reduce the state
547 guarantee per weighted pupil unit provided under the local levy state guarantee program
548 described in Section 53F-2-601, if:
- 549 (a) local contributions to the voted local levy program or board local levy program are
550 overestimated; or
- 551 (b) the number of weighted pupil units within school districts qualifying for a guarantee
552 is underestimated.
- 553 (7) Money appropriated to the state board is nonlapsing, including appropriations to the
554 Minimum School Program and all agencies, line items, and programs under the
555 jurisdiction of the state board.
- 556 (8) The state board shall report actions taken by the state board under this section to the
557 Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and
558 Budget.
- 559 (9) Beginning with the 2031-32 school year:
- 560 (a) the state board shall calculate all distribution amounts under this section using data
561 from student information systems that meet the compliance requirements established
562 under Section 53E-3-527; and
- 563 (b) an LEA's failure to properly maintain data in a compliant student information system
564 may result in adjustment of the LEA's funding allocation.
- 565 Section 6. Section **53F-2-311** is amended to read:
- 566 **53F-2-311 . Weighted pupil units for career and technical education programs --**
567 **Funding of approved programs -- Performance measures -- Qualifying criteria.**
- 568 (1)(a) Money appropriated to the state board for approved career and technical education
569 programs and the comprehensive guidance program:
- 570 (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), and (4);
571 and
- 572 (ii) may not be used to fund programs below grade 9.

- 573 (b) Subsection (1)(a)(ii) does not apply to the following programs:
574 (i) comprehensive guidance; and
575 (ii) work-based learning programs.
- 576 (2)(a) Weighted pupil units are computed for pupils in approved programs.
577 (b)(i) The state board shall fund approved programs based upon hours of membership
578 of grades 9 through 12 students.
579 (ii) Subsection (2)(b)(i) does not apply to the following programs:
580 (A) comprehensive guidance; and
581 (B) work-based learning programs.
- 582 (c) The state board shall use an amount not to exceed 20% of the total appropriation
583 under this section to fund approved programs based on performance measures such
584 as placement and competency attainment defined in standards set by the state board.
- 585 (d) The state board shall make the necessary calculations for distribution of the
586 appropriation to a school district and charter school and may revise and recommend
587 changes necessary for achieving equity and ease of administration.
- 588 (3)(a) Twenty weighted pupil units shall be computed for career and technical education
589 administrative costs for each school district, except 25 weighted pupil units may be
590 computed for each school district that consolidates career and technical education
591 administrative services with one or more other school districts.
- 592 (b) Between 10 and 25 weighted pupil units shall be computed for each high school
593 conducting approved career and technical education programs in a school district
594 according to standards established by the state board.
- 595 (c) Forty weighted pupil units shall be computed for each school district that operates an
596 approved career and technical education center.
- 597 (d) Between five and seven weighted pupil units shall be computed for each summer
598 career and technical education agriculture program according to standards established
599 by the state board.
- 600 (e) The state board shall, by rule, establish qualifying criteria for a school district or
601 charter school to receive weighted pupil units under this Subsection (3).
- 602 (4)(a) Money remaining after the allocations made under Subsections (2) and (3) shall
603 be allocated using average daily membership in approved programs for the previous
604 year.
- 605 (b) A school district or charter school that has experienced student growth in grades 9
606 through 12 for the previous year shall have the growth factor applied to the previous

- 607 year's weighted pupil units when calculating the allocation of money under this
608 Subsection (4).
- 609 (c) An LEA may use funds received through the general allocation described in this
610 Subsection (4) for Technology-Life-Careers and student leadership organizations.
- 611 (5)(a) The state board shall establish rules for upgrading high school career and
612 technical education programs.
- 613 (b) The rules shall reflect career and technical training and actual marketable job skills
614 in society.
- 615 (c) The rules shall include procedures to assist school districts and charter schools to
616 convert existing programs that are not preparing students for the job market into
617 programs that will accomplish that purpose.
- 618 (6) Programs that do not meet state board standards may not be funded under this section.
- 619 (7) Beginning July 1, 2031, the state board shall:
- 620 (a) track career and technical education enrollment through student information systems
621 that meet the compliance requirements established under Section 53E-3-527; and
- 622 (b) calculate weighted pupil units under this section using data from student information
623 systems that meet the compliance requirements established under Section 53E-3-527.
- 624 Section 7. Section **53G-4-402** is amended to read:
- 625 **53G-4-402 . Powers and duties generally.**
- 626 (1) A local school board shall:
- 627 (a) implement the core standards for Utah public schools using instructional materials
628 that best correlate to the core standards for Utah public schools and graduation
629 requirements;
- 630 (b) administer tests, required by the state board, which measure the progress of each
631 student, and coordinate with the state superintendent and state board to assess results
632 and create plans to improve the student's progress, which shall be submitted to the
633 state board for approval;
- 634 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
635 students that need remediation and determine the type and amount of federal, state,
636 and local resources to implement remediation;
- 637 (d) for each grading period and for each course in which a student is enrolled, issue a
638 grade or performance report to the student:
- 639 (i) that reflects the student's work, including the student's progress based on mastery,
640 for the grading period; and

- 641 (ii) in accordance with the local school board's adopted grading or performance
642 standards and criteria;
- 643 (e) develop early warning systems for students or classes failing to make progress;
- 644 (f) work with the state board to establish a library of documented best practices,
645 consistent with state and federal regulations, for use by the special districts;
- 646 (g) implement training programs for school administrators, including basic management
647 training, best practices in instructional methods, budget training, staff management,
648 managing for learning results and continuous improvement, and how to help every
649 student achieve optimal learning in basic academic subjects;[-and]
- 650 (h) ensure that the local school board meets the data collection and reporting standards
651 described in Section 53E-3-501[-] ;
- 652 (i) beginning July 1, 2031, ensure that all schools within the school district use student
653 information systems that meet the compliance requirements established under Section
654 53E-3-527; and
- 655 (j) ensure that any employment contract with a school district superintendent includes
656 the provision required under Section 53E-3-527.
- 657 (2) Local school boards shall spend Minimum School Program funds for programs and
658 activities for which the state board has established minimum standards or rules under
659 Section 53E-3-501.
- 660 (3)(a) A local school board may purchase, sell, and make improvements on school sites,
661 buildings, and equipment, and construct, erect, and furnish school buildings.
- 662 (b) School sites or buildings may only be conveyed or sold on local school board
663 resolution affirmed by at least two-thirds of the school board members.
- 664 (4)(a) A local school board may participate in the joint construction or operation of a
665 school attended by students residing within the district and students residing in other
666 districts either within or outside the state.
- 667 (b) Any agreement for the joint operation or construction of a school shall:
- 668 (i) be signed by the president of the local school board of each participating district;
- 669 (ii) include a mutually agreed upon pro rata cost; and
- 670 (iii) be filed with the state board.
- 671 (5) A local school board may establish, locate, and maintain elementary, secondary, and
672 applied technology schools.
- 673 (6) A local school board may enter into cooperative agreements with other local school
674 boards to provide educational services that best utilize resources for the overall

- 675 operation of the school districts, including shared transportation services.
- 676 (7) A local school board shall ensure that an agreement under Subsection (6):
- 677 (a) is signed by the president of the local school board of each participating district;
- 678 (b) specifies the resource being shared;
- 679 (c) includes a mutually agreed upon pro rata cost;
- 680 (d) includes the duration of the agreement; and
- 681 (e) is filed with the state board.
- 682 (8)(a) Except as provided in Section 53E-3-905 and Subsection (8)(b), a local school
- 683 board may enroll children in school who are at least five years old before September
- 684 2 of the year in which admission is sought.
- 685 (b) A local school board may enroll a child in kindergarten who does not meet the age
- 686 requirement described in Subsection (8)(a) if the child:
- 687 (i) moves to Utah from a different state in which the child, during the relevant school
- 688 year:
- 689 (A) was a resident; and
- 690 (B) was enrolled in kindergarten in accordance with the previous state's age
- 691 requirements for kindergarten enrollment; and
- 692 (ii) transfers to the enrolling school after the beginning of the same school year.
- 693 (9) A local school board:
- 694 (a) may establish and support school libraries; and
- 695 (b) shall provide an online platform:
- 696 (i) through which a parent is able to view the title, author, and a description of any
- 697 material the parent's child borrows from the school library, including a history of
- 698 borrowed materials, either using an existing online platform that the LEA uses or
- 699 through a separate platform; and
- 700 (ii)(A) for a school district with 1,000 or more enrolled students, no later than
- 701 August 1, 2024; and
- 702 (B) for a school district with fewer than 1,000 enrolled students, no later than
- 703 August 1, 2026.
- 704 (10) A local school board may collect damages for the loss, injury, or destruction of school
- 705 property.
- 706 (11) A local school board may authorize guidance and counseling services for students and
- 707 the student's parents before, during, or following school enrollment.
- 708 (12)(a) A local school board shall administer and implement federal educational

- 709 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or
710 National Education Programs.
- 711 (b) Federal funds are not considered funds within the school district budget under
712 Chapter 7, Part 3, Budgets.
- 713 (13)(a) A local school board may organize school safety patrols and adopt policies under
714 which the patrols promote student safety.
- 715 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
716 parental consent for the appointment.
- 717 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of
718 a highway intended for vehicular traffic use.
- 719 (d) Liability may not attach to a school district, its employees, officers, or agents, or to a
720 safety patrol member, a parent of a safety patrol member, or an authorized volunteer
721 assisting the program by virtue of the organization, maintenance, or operation of a
722 school safety patrol.
- 723 (14)(a) A local school board may on its own behalf, or on behalf of an educational
724 institution for which the local school board is the direct governing body, accept
725 private grants, loans, gifts, endowments, devises, or bequests that are made for
726 educational purposes.
- 727 (b) The contributions made under Subsection (14)(a) are not subject to appropriation by
728 the Legislature.
- 729 (15)(a) A local school board may appoint and fix the compensation of a compliance
730 officer to issue citations for violations of Subsection 76-9-1106(3)(c).
- 731 (b) A person may not be appointed to serve as a compliance officer without the person's
732 consent.
- 733 (c) A teacher or student may not be appointed as a compliance officer.
- 734 (16) A local school board shall adopt bylaws and policies for the local school board's own
735 procedures.
- 736 (17)(a) A local school board shall make and enforce policies necessary for the control
737 and management of the district schools.
- 738 (b) Local school board policies shall be in writing, filed, and referenced for public
739 access.
- 740 (18) A local school board may hold school on legal holidays other than Sundays.
- 741 (19)(a) A local school board shall establish for each school year a school traffic safety
742 committee to implement this Subsection (19).

- 743 (b) The committee shall be composed of one representative of:
744 (i) the schools within the district;
745 (ii) the Parent Teachers' Association of the schools within the district;
746 (iii) the municipality or county;
747 (iv) state or local law enforcement; and
748 (v) state or local traffic safety engineering.
- 749 (c) The committee shall:
750 (i) receive suggestions from school community councils, parents, teachers, and
751 others, and recommend school traffic safety improvements, boundary changes to
752 enhance safety, and school traffic safety program measures;
753 (ii) review and submit annually to the Department of Transportation and affected
754 municipalities and counties a child access routing plan for each elementary,
755 middle, and junior high school within the district;
756 (iii) in consultation with the Utah Safety Council and the Division of Family Health,
757 provide training to all students in kindergarten through grade 6, within the district,
758 on school crossing safety and use; and
759 (iv) help ensure the district's compliance with rules made by the Department of
760 Transportation under Section 41-6a-303.
- 761 (d) The committee may establish subcommittees as needed to assist in accomplishing the
762 committee's duties under Subsection (19)(c).
- 763 (20)(a) A local school board shall adopt and implement a comprehensive emergency
764 response plan to prevent and combat violence in the local school board's public
765 schools, on school grounds, on school vehicles, and in connection with
766 school-related activities or events.
- 767 (b) The local school board shall ensure that the plan:
768 (i) includes prevention, intervention, and response components;
769 (ii) is consistent with the school discipline and conduct policies required for school
770 districts under Chapter 8, Part 2, School Discipline and Conduct Plans;
771 (iii) requires professional learning for all district and school building staff on the
772 staff's roles in the emergency response plan;
773 (iv) provides for coordination with local law enforcement and other public safety
774 representatives in preventing, intervening, and responding to violence in the areas
775 and activities referred to in Subsection (20)(a); and
776 (v) includes procedures to notify a student who is off campus at the time of a school

- 777 violence emergency because the student is:
- 778 (A) participating in a school-related activity; or
- 779 (B) excused from school for a period of time during the regular school day to
- 780 participate in religious instruction at the request of the student's parent.
- 781 (c) The state board, through the state superintendent, shall develop comprehensive
- 782 emergency response plan models that local school boards may use, where
- 783 appropriate, to comply with Subsection (20)(a).
- 784 (d) A local school board shall, by July 1 of each year, certify to the state board that its
- 785 plan has been practiced at the school level and presented to and reviewed by its
- 786 teachers, administrators, students, and the student's parents and local law enforcement
- 787 and public safety representatives.
- 788 (21)(a) A local school board may adopt an emergency response plan for the treatment of
- 789 sports-related injuries that occur during school sports practices and events.
- 790 (b) The plan may be implemented by each secondary school in the district that has a
- 791 sports program for students.
- 792 (c) The plan may:
- 793 (i) include emergency personnel, emergency communication, and emergency
- 794 equipment components;
- 795 (ii) require professional learning on the emergency response plan for school
- 796 personnel who are involved in sports programs in the district's secondary schools;
- 797 and
- 798 (iii) provide for coordination with individuals and agency representatives who:
- 799 (A) are not employees of the school district; and
- 800 (B) would be involved in providing emergency services to students injured while
- 801 participating in sports events.
- 802 (d) The local school board, in collaboration with the schools referred to in Subsection
- 803 (21)(b), may review the plan each year and make revisions when required to improve
- 804 or enhance the plan.
- 805 (e) The state board, through the state superintendent, shall provide local school boards
- 806 with an emergency plan response model that local school boards may use to comply
- 807 with the requirements of this Subsection (21).
- 808 (22)(a) A local school board shall approve an LEA's policies and procedures that an
- 809 LEA develops to ensure that students have non-electronic notification of and access
- 810 to:

- 811 (i) school activities and events, including:
- 812 (A) schedule changes;
- 813 (B) extracurricular activities; and
- 814 (C) sporting events; and
- 815 (ii) the emergency response plans described in Subsections (20) and (21).
- 816 (b) Notwithstanding Subsection (22)(a), an LEA may provide electronic notification of
- 817 and access to school activities and events as described in Subsections (22)(a)(i) and
- 818 (ii) if:
- 819 (i)(A) the school provides each student with an electronic device; and
- 820 (B) the electronic device is capable of receiving electronic notification of and
- 821 access to school activities and events as described in Subsections (22)(a)(i) and
- 822 (ii); or
- 823 (ii) an emergency, unforeseen circumstance, or other incident arises and an LEA
- 824 cannot reasonably provide timely non-electronic notification.
- 825 (c) An LEA may not require the use of a privately owned electronic device to complete
- 826 course work.
- 827 (23) A local school board shall do all other things necessary for the maintenance,
- 828 prosperity, and success of the schools and the promotion of education.
- 829 (24)(a) As used in this subsection, "special enrollment program" means a full-day
- 830 academic program in which a parent opts to enroll the parent's student and that is
- 831 offered at a specifically designated school within an LEA, including:
- 832 (i) gifted or advanced learning programs; or
- 833 (ii) dual language immersion programs.
- 834 (b) Before closing a school, changing the boundaries of a school, or changing or closing
- 835 the location of a special enrollment program, a local school board shall:
- 836 (i) at a local school board meeting, make and approve a motion to initiate the
- 837 notification required under Subsections (24)(b)(ii) through (iv);
- 838 (ii) on or before 90 days before the day on which the local school board approves the
- 839 school closure or at least 30 days before the day on which the local school board
- 840 approves a school boundary change, provide notice that the local school board is
- 841 considering the closure or boundary change to:
- 842 (A) parents of students enrolled in the school, using the same form of
- 843 communication the local school board regularly uses to communicate with
- 844 parents and also by mail, using the United States Postal Service, to the parents

- 845 at each known address;
- 846 (B) parents of students enrolled in other schools within the school district that may
847 be affected by the closure or boundary change, using the same form of
848 communication the local school board regularly uses to communicate with
849 parents and also by mail, using the United States Postal Service, to the parents
850 at each known address; and
- 851 (C) the governing council and the mayor of the municipality in which the school is
852 located;
- 853 (iii) provide an opportunity for public comment on the proposed school closure
854 during at least two public local school board meetings;
- 855 (iv) provide an opportunity for public comment on the proposed school boundary
856 change during one public local school board meeting; and
- 857 (v) hold a public hearing as defined in Section 10-20-102 and provide public notice
858 of the public hearing in accordance with Subsection (24)(c).
- 859 (c) A local school board shall:
- 860 (i) ensure that the notice of a public hearing required under Subsection (24)(b)(v)
861 indicates the:
- 862 (A) name of the school or schools under consideration for closure or boundary
863 change; and
- 864 (B) ~~the~~ date, time, and location of the public hearing;
- 865 (ii) if feasible, hold the public hearing at the location of the school that is under
866 consideration for closure;
- 867 (iii) for at least 10 days before the day on which the public hearing occurs, ~~publish~~
868 ~~the notice of public hearing occurs,~~ publish the notice of the public hearing for
869 the school district in which the school is located, as a class A notice under Section
870 63G-30-102; and
- 871 (iv) at least 30 days before the day on which the public hearing occurs, provide notice
872 of the public hearing in the same manner as the notice of consideration under
873 Subsection (24)(b)(ii).
- 874 (d) A motion made under Subsection (24)(b) shall name each school under consideration
875 for closure in a separate motion.
- 876 (e) For a school closure, a local school board shall complete the process described in this
877 Subsection (24) on or before December 31 of the calendar year preceding the
878 beginning of the school year in which a school closure takes effect.

- 879 (f)(i) For a school boundary change, a local school board shall complete the process
880 described in this Subsection (24) no more than 60 days after the day on which the
881 local school board votes to approve a school closure.
- 882 (ii) Parents of students enrolled in a school affected by a boundary change shall have
883 at least 30 days after the day on which the local school board votes to approve a
884 school boundary change to request an out of area enrollment request in accordance
885 with Chapter 6, Part 4, School District Enrollment.
- 886 (25) A local school board may implement a facility energy efficiency program established
887 under Title 11, Chapter 44, Performance Efficiency Act.
- 888 (26) A local school board may establish or partner with a certified youth court in
889 accordance with Section 80-6-902 or establish or partner with a comparable restorative
890 justice program, in coordination with schools in that district. A school may refer a
891 student to a youth court or a comparable restorative justice program in accordance with
892 Section 53G-8-211.
- 893 (27)(a) As used in this Subsection (27):
- 894 (i) "Learning material" means any learning material or resource used to deliver or
895 support a student's learning, including textbooks, reading materials, videos, digital
896 materials, websites, and other online applications.
- 897 (ii)(A) "Instructional material" means learning material that a local school board
898 adopts and approves for use within the LEA.
- 899 (B) "Instructional material" does not include learning material used in a
900 concurrent enrollment, advanced placement, or international baccalaureate
901 program or class or another class with required instructional material that is not
902 subject to selection by the local school board.
- 903 (iii) "Supplemental material" means learning material that:
- 904 (A) an educator selects for classroom use; and
- 905 (B) a local school board has not considered and adopted, approved, or prohibited
906 for classroom use within the LEA.
- 907 (b) A local school board shall:
- 908 (i) make instructional material that the school district uses readily accessible and
909 available for a parent to view;
- 910 (ii) annually notify a parent of a student enrolled in the school district of how to
911 access the information described in Subsection (27)(b)(i); and
- 912 (iii) include on the school district's website information about how to access the

- 913 information described in Subsection (27)(b)(i).
- 914 (c) In selecting and approving instructional materials for use in the classroom, a local
915 school board shall:
- 916 (i) establish an open process, involving educators and parents of students enrolled in
917 the LEA, to review and recommend instructional materials for board approval; and
- 918 (ii) ensure that under the process described in Subsection (27)(c)(i), the board:
- 919 (A) before the meetings described in Subsection (27)(c)(ii)(B), posts the
920 recommended learning material online to allow for public review or, for
921 copyrighted material, makes the recommended learning material available at
922 the LEA for public review;
- 923 (B) before adopting or approving the recommended instructional materials, holds
924 at least two public meetings on the recommendation that provides an
925 opportunity for educators whom the LEA employs and parents of students
926 enrolled in the LEA to express views and opinions on the recommendation; and
- 927 (C) adopts or approves the recommended instructional materials in an open and
928 regular board meeting.
- 929 (d) A local school board shall adopt a supplemental materials policy that provides
930 flexible guidance to educators on the selection of supplemental materials or resources
931 that an educator reviews and selects for classroom use using the educator's
932 professional judgment, including whether any process or permission is required
933 before classroom use of the materials or resources.
- 934 (e) If an LEA contracts with another party to provide online or digital materials, the
935 LEA shall include in the contract a requirement that the provider give notice to the
936 LEA any time that the provider makes a material change to the content of the online
937 or digital materials, excluding regular informational updates on current events.
- 938 (f) Nothing in this Subsection (27) requires a local school board to review all learning
939 materials used within the LEA.
- 940 (28) If information, data, or action from a school district is necessary for the state board to
941 fulfill a statutory data gathering, compliance, or reporting requirement, a local school
942 board shall provide the relevant information, data, or action, subject to enforcement
943 under Section 53E-3-401.

944 Section 8. Section **53G-5-404** is amended to read:

945 **53G-5-404 . Requirements for charter schools.**

- 946 (1) A charter school shall be nonsectarian in the charter school's programs, admission

- 947 policies, employment practices, and operations.
- 948 (2) A charter school may not charge tuition or fees, except those fees normally charged by
949 other public schools.
- 950 (3) A charter school shall meet all applicable federal, state, and local health, safety, and
951 civil rights requirements.
- 952 (4)(a) A charter school shall:
- 953 (i) make the same annual reports required of other public schools under this public
954 education code, including an annual financial audit report described in Section
955 53G-4-404;
- 956 (ii) ensure that the charter school meets the data and reporting standards described in
957 Section 53E-3-501;[-and]
- 958 (iii) beginning July 1, 2031, ensure the charter school uses a student information
959 system that meets the compliance requirements established under Section
960 53E-3-527;
- 961 (iv) ensure that any employment contract with a charter school director includes the
962 provision required under Section 53E-3-527; and
- 963 [(iii)] (v) use fund and program accounting methods and standardized account codes
964 capable of producing financial reports that comply with:
- 965 (A) generally accepted accounting principles;
- 966 (B) the financial reporting requirements applicable to LEAs established by the
967 state board under Section 53E-3-501; and
- 968 (C) accounting report standards established by the state auditor as described in
969 Section 51-2a-301.
- 970 (b) Before, and as a condition for opening a charter school:
- 971 (i) a charter school shall:
- 972 (A) certify to the authorizer that the charter school's accounting methods meet the
973 requirements described in Subsection [(4)(a)(iii)] (4)(a)(v); or
- 974 (B) if the authorizer requires, conduct a performance demonstration to verify that
975 the charter school's accounting methods meet the requirements described in
976 Subsection [(4)(a)(iii)] (4)(a)(v); and
- 977 (ii) the authorizer shall certify to the state board that the charter school's accounting
978 methods meet the requirements described in Subsection [(4)(a)(iii)] (4)(a)(v).
- 979 (c) A charter school shall file the charter school's annual financial audit report with the
980 Office of the State Auditor within six months of the end of the fiscal year.

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

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

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

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

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

991 (iii) a report submitted by the charter school as required by the charter school's
992 charter agreement.

993 (c) A charter school authorizer may not impose performance standards, except as
994 permitted by statute, that limit, infringe, or prohibit a charter school's ability to
995 successfully accomplish the purposes of charter schools as provided in Section
996 53G-5-104 or as otherwise provided in law.

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

998 (7) Except as provided in Section 53G-5-305, a charter school shall be organized and
999 managed in accordance with Title 16, Chapter 6a, Utah Revised Nonprofit Corporation
1000 Act, upon the charter school's authorization.

1001 (8) A charter school shall provide adequate liability and other appropriate insurance,
1002 including:

1003 (a) general liability, errors and omissions, and directors and officers liability coverage
1004 through completion of the closure of a charter school in accordance with Section
1005 53G-5-504; and

1006 (b) tail coverage or closeout insurance covering at least one year after closure of the
1007 charter school.

1008 (9) A charter school may not employ an educator whose license is suspended or revoked by
1009 the state board under Section 53E-6-604.

1010 (10)(a) Each charter school shall register and maintain the charter school's registration as
1011 a limited purpose entity, in accordance with Section 67-1a-15.

1012 (b) A charter school that fails to comply with Subsection (10)(a) or Section 67-1a-15 is
1013 subject to enforcement by the state auditor, in accordance with Section 67-3-1.

1014 (c) If a charter school is an operating charter school with affiliated satellite charter

- 1015 schools, as defined in Section 53G-5-303:
- 1016 (i) the operating charter school shall register as a limited purpose entity as defined in
1017 Section 67-1a-15;
- 1018 (ii) each affiliated satellite charter school is not required to register separately from
1019 the operating charter school; and
- 1020 (iii) the operating charter school shall:
- 1021 (A) register on behalf of each affiliated satellite charter school; and
- 1022 (B) when submitting entity registry information in accordance with Section
1023 67-1a-15 on behalf of each affiliated satellite charter school, identify and
1024 distinguish registry information for each affiliated satellite, including the
1025 address of each affiliated satellite charter school and the name and contact
1026 information of a primary contact for each affiliated satellite charter school.
- 1027 (11)(a) As used in this Subsection (11), "contracting entity" means a person with which
1028 a charter school contracts.
- 1029 (b) A charter school shall provide to the charter school's authorizer any information or
1030 documents requested by the authorizer, including documents held by a subsidiary of
1031 the charter school or a contracting entity:
- 1032 (i) to confirm the charter school's compliance with state or federal law governing the
1033 charter school's finances or governance; or
- 1034 (ii) to carry out the authorizer's statutory obligations, including liquidation and
1035 assignment of assets, and payment of debt in accordance with state board rule, as
1036 described in Section 53G-5-504.
- 1037 (c) A charter school shall comply with a request described in Subsection (11)(b),
1038 including after an authorizer recommends closure of the charter school or terminates
1039 the charter school's contract.
- 1040 (d) Documents held by a contracting entity or subsidiary of a charter school that are
1041 necessary to demonstrate the charter school's compliance with state or federal law are
1042 the property of the charter school.
- 1043 (e) A charter school shall include in an agreement with a subsidiary of the charter school
1044 or a contracting entity a provision that stipulates that documents held by the
1045 subsidiary or a contracting entity, that are necessary to demonstrate the charter
1046 school's financial compliance with federal or state law, are the property of the charter
1047 school.
- 1048 (12) For each grading period and for each course in which a student is enrolled, a charter

- 1049 school shall issue a grade or performance report to the student:
- 1050 (a) that reflects the student's work, including the student's progress based on mastery, for
- 1051 the grading period; and
- 1052 (b) in accordance with the charter school's adopted grading or performance standards
- 1053 and criteria.
- 1054 (13)(a) As used in this Subsection (13):
- 1055 (i) "Learning material" means any learning material or resource used to deliver or
- 1056 support a student's learning, including textbooks, reading materials, videos, digital
- 1057 materials, websites, and other online applications.
- 1058 (ii)(A) "Instructional material" means learning material that a charter school
- 1059 governing board adopts and approves for use within the charter school.
- 1060 (B) "Instructional material" does not include learning material used in a
- 1061 concurrent enrollment, advanced placement, or international baccalaureate
- 1062 program or class, or another class with required instructional material that is
- 1063 not subject to selection by the charter school governing board.
- 1064 (iii) "Supplemental material" means learning material that:
- 1065 (A) an educator selects for classroom use; and
- 1066 (B) a charter school governing board has not considered and adopted, approved, or
- 1067 prohibited for classroom use within the charter school.
- 1068 (b) A charter school shall:
- 1069 (i) make instructional material that the charter school uses readily accessible and
- 1070 available for a parent to view;
- 1071 (ii) annually notify a parent of a student enrolled in the charter school of how to
- 1072 access the information described in Subsection (13)(b)(i); and
- 1073 (iii) include on the charter school's website information about how to access the
- 1074 information described in Subsection (13)(b)(i).
- 1075 (c) In selecting and approving instructional materials for use in the classroom, a charter
- 1076 school governing board shall:
- 1077 (i) establish an open process, involving educators and parents of students enrolled in
- 1078 the charter school, to review and recommend instructional materials for board
- 1079 approval; and
- 1080 (ii) ensure that under the process described in Subsection (13)(c)(i), the charter
- 1081 school governing board:
- 1082 (A) before the public meetings described in Subsection (13)(c)(ii)(B), posts the

- 1083 recommended learning materials online to allow for public review or, for
1084 copyrighted material, makes the recommended learning material available at
1085 the charter school for public review;
- 1086 (B) before adopting or approving the recommended instructional materials, holds
1087 at least two public meetings on the recommendation that provide an
1088 opportunity for educators whom the charter school employs and parents of
1089 students enrolled in the charter school to express views and opinions on the
1090 recommendation; and
- 1091 (C) adopts or approves the recommended instructional materials in an open and
1092 regular board meeting.
- 1093 (d) A charter school governing board shall adopt a supplemental materials policy that
1094 provides flexible guidance to educators on the selection of supplemental materials or
1095 resources that an educator reviews and selects for classroom use using the educator's
1096 professional judgment, including whether any process or permission is required
1097 before classroom use of the materials or resources.
- 1098 (e) If a charter school contracts with another party to provide online or digital materials,
1099 the charter school shall include in the contract a requirement that the provider give
1100 notice to the charter school any time that the provider makes a material change to the
1101 content of the online or digital materials, excluding regular informational updates on
1102 current events.
- 1103 (f) Nothing in this Subsection (13) requires a charter school governing board to review
1104 all learning materials used within the charter school.
- 1105 (14) If information, data, or action from a charter school is necessary for the state board to
1106 fulfill a statutory data gathering, compliance, or reporting requirement, a local school
1107 board shall provide the relevant information, data, or action, subject to enforcement
1108 under Section 53E-3-401.

1109 **Section 9. Effective Date.**

1110 This bill takes effect on May 6, 2026.